

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2505**

Wednesday, February 20, 2008, 1:30 p.m.

Francis Campbell City Council Room  
Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Cantees	Alberty	Boulden, Legal
Cantrell	Perry	Butler	
Carnes		Fernandez	
Harmon		Matthews	
Marshall		Parker	
McArtor		Sansone	
Midget			
Shivel			
Sparks			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 14, 2008 at 11:35 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:38 p.m.

**REPORTS:**

**Director's Report:**

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Alberty reported on the TMAPC receipts for the month of January 2008. He indicated that the receipts are running a little under last year's report for January 2007.

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**Minutes:**

**Approval of the minutes of February 6, 2008 Meeting No. 2504**

On **MOTION** of **HARMON**, the TMAPC voted 9-0-0 (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Perry "absent") to **APPROVE** the minutes of the meeting of February 6, 2008, Meeting No. 2504.

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**CONSENT AGENDA**

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

**TMAPC COMMENTS:**

Mr. Harmon requested a brief explanation of Item Number 5.

Mr. Ard stated that Items Number 5 and 7a will be removed from the consent agenda.

- 2. **Oxford Court** – (9426)/Final Plat (PD 17) (CD 6)  
 North of the northwest corner of east 47<sup>th</sup> Street South and 177<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 28 lots in two blocks on ten acres.

All release letters have been received and staff recommends **APPROVAL**.

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- 3. **Walnut Creek Office Park** – (8317)/Final Plat (PD 18) (CD 2)  
 Southeast corner of East 81<sup>st</sup> Street South and Florence Place

**STAFF RECOMMENDATION:**

This plat consists of five lots in one block on 2.78 acres.

All release letters have been received and staff recommends **APPROVAL**.

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4. **The Retreat at Brookside North** – (9330)/Final Plat (PD 6) (CD 9)  
East of the Northeast corner of East 41<sup>st</sup> Place South and Peoria Avenue

**STAFF RECOMMENDATION:**

This plat consists of seven lots in one block on .595 acres.

All release letters have been received and staff recommends approval.

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6. **L-20182** – First Title (8315)/Lot-Split (PD 18) (CD 8)  
South of the southwest corner of South Joplin Avenue, 8929 South Joplin
7. **LC-79** – James Wakefield (8334)/Lot Combination (PD 26) (CD 8)  
Northeast corner of South Hudson Court, 11668 South Hudson Court
8. **PUD-631-A – Hraok, Inc./Dwayne Wilkerson** (PD-18) (CD-8)  
Southern Ridge, south side of East 91<sup>st</sup> Street South between South Yale and South Harvard (Detail Site Plan for Lot 3, Block 1 for the construction of a two-story medical office.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for Lot 3, Block 1 – Southern Ridge for the construction of a two-story medical office. The proposed use, Use Unit 11, Office, Studios and Support Services is in conformance with Development Standards of PUD-631-A.

The proposed site plan meets building floor area, height and setback requirements per PUD development standards. Parking requirements have been met per the Zoning Code and PUD development standards.

Access to the site is provided from 91<sup>st</sup> Street South and a mutual access easement with Lot 1, Block 1 – Southern Ridge. Open space landscaping and street yard landscaping exceed the 15% PUD requirement.

Therefore, staff recommends **APPROVAL** of the detail site plan for Lot 3, Block 1 – Southern Ridge located in PUD-631-A.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

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9. **Z-7008-SP-1 – McDonald’s USA/Coon Engineering, Inc.** (PD-8) (CD-2)

West 71<sup>st</sup> Street and Olympia Avenue (Corridor Detail Site Plan/Landscape Plan for Development Area B, Lot 2, Block 2, Tulsa Hills, for the construction of a McDonald’s restaurant.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for Development Area B; Lot 2, Block 2 – Tulsa Hills; for the construction of a McDonald’s restaurant. The proposed use, Use Unit 12, Eating Establishments Other than Drive-Ins, is in conformance with Development Standards of Z-7008-SP-1.

The proposed site plan meets building floor area, height and setback requirements. Access to and within the site is provided from a private drive along the south of the site connected to Olympia Avenue.

The site meets parking requirements, lighting and landscape requirements per development standards and the Zoning Code, and a landscaped buffer is provided along the north and west lot boundaries in conformance with PUD development standards and the Zoning Code. Trees will also be planted along the east lot line.

The detail site plan is missing required sidewalks along Olympia Avenue as required by approval Z-7008-SP-1. Also, page applicant’s identified page T1 showing the trash enclosure elevation was not included in the application package.

Staff recommends **APPROVAL** of detail plan for McDonald’s; Lot 2, Block 2 – Tulsa Hills subject to the following minor revisions to the detail site plan submitted:

- Add sidewalks along west lot boundary along Olympia Avenue;
- Show trash enclosure elevation on site plan; and
- Show setback requirements and proposed setbacks in site plan detail boxes on site plan.

(Note: Detail site plan approval does not constitute detail sign plan approval.)

The Planning Commission considered the consent agenda.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Perry "absent") to **APPROVE** the consent agenda Items 2-4, 6-7 and 8-9 per staff recommendation.

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**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

- 5. **L-20179** – Bloss Sales & Rental Co., Inc. (9431)/Lot- (PD 18) (CD 5)  
Split

Southwest corner of South Mingo Road and East 59<sup>th</sup> Street South,  
5883 South Mingo Road

**TMAPC COMMENTS:**

Mr. Harmon asked if there are plans to install another curb cut on Mingo or will it front on the side street. In response, Ms. Parker stated that it will have frontage on Mingo. Mr. Harmon stated that this is becoming a very busy section on Mingo and expressed concerns with an additional curb cut onto Mingo. Ms. Parker explained that Public Works will deal with the curb cut permit. Ms. Parker stated that there will be one lot on South Mingo and one lot on East 59<sup>th</sup>. Mr. Harmon indicated that he agreed with that concept.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Sparks, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Perry "absent") to **APPROVE** the ratification of a lot-split for L-20179 per staff recommendation.

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7a. **LC-80** – Keith D. Robertson/Lot-Combination (PD-6) (CD-4)

Southwest corner of East 15<sup>th</sup> Street and South Trenton Avenue

**Applicant's Comments:**

**Keith Robertson**, Architect for subject property, 5567 South Lewis, Suite 700, 74105, stated that he has requested a lot-combination for additional parking.

**Interested Parties Comments:**

**Chip Atkins**, 1638 East 17<sup>th</sup> Place, 74120, resident of Swan Lake Neighborhood, representing Dr. John Ruffing, 1531 South Trenton Avenue, stated that he was concerned because he didn't receive any notice about the lot-combination until he looked over the agenda. He explained that he was informed that there are no requirements for notice for lot-combinations and believes that should be changed in the new Comprehensive Plan.

Mr. Atkins stated that he is opposed to any structure coming down in Swan Lake. The subject property is located in the National Register area, but it is not in the HP overlay district. He asked why there is a need for additional parking. The subject building has had several variances in the past for other tenants to come in. He explained that he doesn't object to the restaurant, but he does object to the parking places and the variances. Mr. Atkins stated that he doesn't believe the neighborhood would be in objection to 14 to 15 cars parked on the street and he doesn't believe it is necessary to destroy a structure that exists, is part of the National Register and encroaches into the neighborhood.

**Applicant's Rebuttal:**

Mr. Robertson stated that the lot in question for parking is owned by the same owner of the restaurant lot. There is a house on the subject property and the owners have chosen to demolish it in order to add the required parking necessary for the restaurant. Apparently the lot with the restaurant is approved for 14 legal non-conforming parking spaces to the previous ownership. There is a need, according to the Zoning Code, for an additional 15 spaces to support the restaurant. To prevent an overflow of parking going down the street is what he is trying to consider.

**TMAPC COMMENTS:**

Mr. Ard explained that notice for lot-combinations is not a requirement.

Ms. Cantrell stated that while she can appreciate Mr. Atkins's concerns, she understands that the Planning Commission has absolutely no legal authority to prohibit a lot-combination. There is no basis for denying this lot-combination according to the Zoning Code.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Sparks, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Perry "absent") to **APPROVE** the ratification of a lot-combination for LC-80 per staff recommendation.

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**PUBLIC HEARING**

11. **South Town Market –** (8324)/Preliminary Plat (PD 26) (CD 8)

Northeast corner of East 101<sup>st</sup> Street South and Memorial Drive (**A continuance is requested until March 5, 2008 so that the PUD standards can be established.**)

**Applicant's Comments:**

**Mark Capron**, Sack and Associates, 111 South Elgin, 74120, representing the client, requested that this item be moved down the agenda after the PUD hearing. He does not wish to have any further delays for the project.

**Staff Comments:**

Ms. Fernandez stated that staff would not be favorable to hearing the preliminary plat at this time because staff would only have the conditions if they come forward today. The agenda for next week will be hurriedly prepared and the staff recommendation would be stating virtually nothing. Staff recommends March 5, 2008 for hearing the preliminary plat. There are several issues with the PUD and she is not sure how it would change the plat.

**TMAPC COMMENTS:**

Mr. Ard stated that he would be in favor of the continuance as well because staff would need adequate time to review whatever comes in front of them.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Perry "absent") to **CONTINUE** the preliminary plat for South Town Market to March 5, 2008.

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**Mr. Ard read the opening statement and rules of conduct for the TMAPC meeting.**

**TMAPC COMMENTS:**

Mr. Ard stated that he understands that there are some very emotional issues and the meeting may run long. He would like to make sure that everybody has an opportunity to speak. He asked that they please show respect to whomever is at the podium and whether or not one disagrees or agrees with their opinion. Outbursts from the audience will not sway the Planning Commission's decision and will make it more difficult to walk out of the room with a reasonably consistent decision. Please do not approach the podium if someone states something that is believed to be blatantly incorrect. The Planning Commission may recognize anyone during the proceedings to speak if needed. Mr. Boulden will keep time and he would like to keep the comments to three minutes per speaker. Mr. Ard requested that interested parties not repeat issues and statements that a previous speaker made.

12. **7000 Riverside** – (8201)/Preliminary Plat (PD 18) (CD 2)  
Northeast corner of Riverside Drive and Peoria Avenue (7007  
Riverside Drive)

**STAFF RECOMMENDATION:**

This plat consists of seven lots, one block, on 8.7 acres.

The following issues were discussed February 7, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CH and CS. A corresponding plat waiver for the CS part of the zoning accompanies the plat. The airport may need an air space permit approval or easements for structures on the site.
2. **Streets:** Dedicate a 30-foot intersection radius at Peoria and Riverside. Reduce the north access on Riverside from 70 to 40 feet. The property line at the intersection of Peoria and Riverside Drive should be rounded with a minimum radius of 30 feet. The south border of the mutual access easement in the northwest corner of the property does not include the radius of curvature. Provide standard covenant language for sidewalks. Sidewalks are not shown along Riverside. Locate and label East 69<sup>th</sup> Street on the east side of Peoria per Subdivision Regulations. Change the street name to Riverside "Parkway". If perimeter masonry fences are proposed, the perimeter utility easement should be increased accordingly.
3. **Sewer:** No comments.



4. **Water:** On the face of the plat, add the utility easement and legend. On Lot # 1, increase the restrictive waterline easement on the north-south from 15 feet to 20 feet and east-west easement should be shifted south to join the mutual access easement. Show the right-of-way Book and Page number on Riverside and South Peoria Avenue. The mutual access easement language should allow for utility service access.
5. **Storm Drainage:** All storm sewer easements must have a minimum width of 15 feet.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements will be needed.
7. **Other: Fire:** No comment.

**GIS:** Need zip code for owners' address and complete street name. "Riverside Drive" on location map should be "6600 Riverside Drive". Remove stray line from "Gilbert Plaza Addition" text (north of location map). Relocate "T18N" to opposite side of location map to avoid crowding. Location map needs a north arrow and a scale. Point of Commencement on the face of the plat should match POC in covenants. Bearing needed for "1485.0 Feet" in covenants. Write the legal description in a clockwise manner for Point of Beginning and match bearings and distances in covenants with dimensions on face of plat.

**Airport:** This is less than one mile from airport and there will be concern and possibly be requirements for tall buildings. FAA clearance permits need to be secured as necessary. If there is no residential use requirements may vary.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

### **Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Sparks, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Perry "absent") to **APPROVE** the preliminary plat for 700 Riverside, subject to special conditions and standard conditions per staff recommendation.

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13. **7000 Riverside** – (8201)/Plat Waiver (PD 18) (CD 2)  
Northeast corner of Riverside Drive and Peoria Avenue (7007  
Riverside Drive)

**STAFF RECOMMENDATION:**

The platting requirement is for a sliver of CS zoning which is being platted under the 7000 Riverside plat that includes property to the east which is zoned CH and has no platting requirement.

**Staff provides the following information from TAC at their February 7, 2008 meeting:**

**ZONING:**

TMAPC Staff: The property in question will be included in the 7000 Riverside plat which is proposed on the 2/20/08 agenda.

**STREETS:**

The tract is bounded on the east by unplatted property. (This will be platted under the 7000 Riverside plat which is an item on the same TMAPC agenda.) An approved Access Control Document would be required (if the property were not being platted).

**SEWER:**

No comment.

**WATER:**

A mainline water extension is required. Additional easements are required. (This will be platted under the 7000 Riverside plat which is an item on the same TMAPC agenda.)

**STORM DRAIN:**

No comment.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff recommends **APPROVAL** of the plat waiver because of the pending Preliminary Plat on the property.

**A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:**

	Yes	NO
1. Has Property previously been platted?		X
2. Are there restrictive covenants contained in a previously filed plat?		X
3. Is property adequately described by surrounding platted properties or street right-of-way?	X*	

**A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:**

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?	X*	
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?	X*	
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		

**A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:**

	YES	NO
10. Is this a Major Amendment to a P.U.D.? a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		X
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

\* The proposed 7000 Riverside plat will take care of this concern.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Sparks, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Perry "absent") to **APPROVE** the plat waiver for 7000 Riverside per staff recommendation.

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**14. PUD-411-E/Z-5842-SP-7 – Lou Reynolds (PD-26) (CD-8)**

Northeast corner of South Memorial Drive and East 101<sup>st</sup> Street South (Major amendment and corridor plan to amend development standards to create a new Development Area 1A-1.) (Applicant requested to reduce his request to a minor amendment **PUD-411-C-12/Z-5842-SP-7** to increase the permitted floor area of Development Area 1-A, relaxing two setback requirements and increasing permissible height restrictions.) (Continued from 1/23/08 and 2/6/08.)

**STAFF RECOMMENDATION:**

The original 101<sup>st</sup> and Memorial Planned Unit Development 411 (PUD 411) was approved in 1986 and included 21 development areas with a wide range of approved intensity and uses (see attached Exhibit A from that approval). Four (4) of these development areas were deleted from PUD 411 when they were acquired for the Creek Turnpike. Three (3) major automobile dealerships have been developed under the original PUD 411.

In 1995, major amendment PUD 411-C was approved to modify the uses within PUD 411 in order to facilitate the development of a majority of the property within the PUD. Thereafter, approximately 90 acres of PUD 411-C have been developed as three (3) separate subdivisions commonly referred to as Ridge Point, the Jim Norton dealership (twice expanded) and the Trinity Restoration body shop. Excepting the tract that is the subject of this amendment and two other tracts of land within Development Area 4-A and Development Area 5-A a large portion of the property within PUD 411 has been developed or is under development.

This application is requesting a minor amendment to PUD 411-C for the purpose of increasing the permitted floor area of Development Area 1-A (see Attached Exhibit B), relaxing two setback requirements and increasing permissible height restrictions from 26' to 30' within 230' of the eastern boundary of the development area, and 35' for development greater than 230' from the centerline of 84<sup>th</sup> East Avenue.

No zoning change is required as the underlying Corridor District (CO) zoning on the property would allow more than adequate square footage of building floor area and 30% lot coverage by buildings for the South Town Market Shopping Center.

Excepting the aforementioned minor amendments, the applicant's proposed development plan meets all other building setback requirements per PUD Development standards. Access to and within the site is proposed from two access point along Memorial Drive, two access points along 101<sup>st</sup> Street South and three along 84<sup>th</sup> East Avenue. Landscape requirements exceed PUD development standards, and an (8) eight-foot wall will be provided along the east boundary of the development area which will also be landscaped along the street side of the wall. Site lighting is designed to have little effect on neighboring properties and will be directed down and away from the residential area to the east per the Kennebunkport formula.

The increase in permitted floor area is less than 15% of the allocated floor area for Development area A-1. Staff finds approval of the requested modifications of setback and height limitations will not substantially alter the character of the PUD and therefore recommends **APPROVAL** of minor amendment PUD-411-C-12 as amended by staff and the TMAPC:

1. That the attached letter, dated February 19, 2008 and signed by Mr. John Bumgarner, Manager – 1995 Land Company, Mr. Louis Reynolds, Attorney for the 1995 Land Company and Mr. Phil Snodgrass, President of the Ridge Pointe Villas Homeowners Association be made a condition of this approval.

**2. Development Standards:**

	<b><u>PUD-411-C</u></b>	<b><u>Amended PUD-411-C-12</u></b>
<b>Permitted Uses:</b>	Use Units 10, 11, 12, 13 and 14 and customary accessory uses, also automotive and light truck sales and service are allowed subject to the development standards of Area 2.	Same.
<b>Maximum Building Floor Area:</b>	225,721 SF.	259,410 SF (14.9% increase over PUD-411-C): <ul style="list-style-type: none"> <li>· 236,910 anchor tenant</li> <li>· 6,000 (out lot 1)</li> <li>· 6,000 (out lot 2)</li> <li>· 4,500 (out lot 3)</li> <li>· 6,000 (out lot 4)</li> </ul>
<b>Maximum Lot Coverage By Buildings:</b>	30%	Same
<b>Minimum Building Setbacks:</b>		
From the centerline of Memorial Drive:		
within 500' of centerline 101 <sup>st</sup> St.:	110'	Same
greater than 500' from centerline 101 <sup>st</sup> St.:	210'	160'
From the centerline of 101 <sup>st</sup> Street:		
within 500' of centerline Memorial Drive:	100'	Same
Greater than 500' from centerline Memorial Drive:	200'	135'
From the centerline of abutting internal collector:	100'	80'
<b>Maximum Building Height:</b>	26'	- within 230' of the centerline South 84 <sup>th</sup> East Ave.: 30'* - greater than 230' of the centerline South 84 <sup>th</sup> East Ave.: 35'*
		<i>* Architectural elements may exceed height limitations with detail site plan review.</i>
<b>Off-Street Parking:</b>	As required by the Tulsa	As required by the Tulsa



Zoning Code

Zoning Code\*

*\*Per 42, 1304 – Commercial mixed-use developments with floor area over 100,000 are entitled to a 10% reduction in required parking by approval of a special exception from the Board of Adjustment.*

**Minimum Landscaped Open Space:**

10% of net lot area

10%\*

*\*For the purposes of calculating the landscaping required under section 1002 of the Zoning Code, street yards area calculated as follows:*

- For the first 500' of S. Memorial Drive from 101<sup>st</sup>:* 50'
- For the first 500' of 101<sup>st</sup> St. from S. Memorial Drive from 101<sup>st</sup>:* 50'
- For the remaining frontage along S. Memorial Drive & 101<sup>st</sup>:* 71'

**Screening:**

None

Except at points of ingress and egress an eight (8) foot masonry type wall will be erected and maintained along the easterly boundary of Development Area 1-A-1.

**Signs:**

Ground signs shall be limited to one (1) per lot on each arterial street frontage with a maximum of 160 SF of display area and 25 feet in height. There shall be a minimum 30-foot separation between ground signs.

Same.

Wall signs shall be permitted not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached.

Wall signs shall be permitted not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. There shall be no wall signs permitted on east facing walls within 120' of the centerline of 84<sup>th</sup> East Avenue.

On lots of five acres or more, one monument sign shall be permitted at each arterial street entry, with a maximum of 60 sf display surface area and 6' in height.

One tenant directory sign permitted along each arterial street frontage with a maximum display surface area of 300 sf, not to exceed 25' in height.

**Site Lighting:**

Maximum of 30' tall, with deflectors directing light down and away from any internal boundary of area A-1; Building mounted lights shall be hooded and directed

Lighting shall be arranged as to direct light away from the residential area to the east.

Within the east 150' of development area 1-A-1, no light

downward to prevent spillover lighting.

standard or building mounted light shall exceed 12' in height. Otherwise, no light standard or building mounted light shall exceed 30' in height. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography shall be included in the calculations.

**Building Exterior Walls:**

None.

All exterior walls of any building on a lot with frontage on South 84<sup>th</sup> East Avenue shall be masonry or masonry veneer and shall be constructed of the same materials as the other walls of such building.

**Bulk Trash Container Setback From the Centerline of 84<sup>th</sup> East Ave.:**

60'

60'

**Maximum Access Points Along 84<sup>th</sup> East Ave.:**

No limit

3\*

*\* No access drives shall be permitted to open directly west of a platted residential lot.*

*\* The northern most access point along South 84<sup>th</sup> East Avenue will be made a truck only exit, designed to allow trucks to turn left/north only.*

**Trash, Mechanical and Equipment Areas:**

All trash mechanical and equipment areas shall be screened from public view by persons standing at ground level

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or equipment provided by a franchise utility providers), including building mounted equipment, shall be screened from public view in such a manner that the areas cannot be seen by a person standing at

**Vehicular Access and Circulation:** None.

ground level.

The primary vehicular access shall be permitted from the adjacent arterial streets.

There will be a Mutual Access Easement along the East boundary of Out Lots One (1) and Two (2) and between Out Lots Three (3) and Four (4).

Existing Mutual Access Easement between the Jim Norton tract to the North and Out Lot One (1).

**Pedestrian Access and Circulation:** None

Sidewalks shall be provided along East 101<sup>st</sup> Street South Memorial Drive, and South 84<sup>th</sup> East Avenue. In addition, designated pedestrian access (i.e., paving or striping) shall be provided from arterial streets to each building with frontage on an arterial street.

Pedestrian walkways through parking lots at approximately 400 foot intervals or at each vehicular arterial street; a minimum of three (3) feet in width, separated from vehicular travel lanes to provide safe access to non-street front building entrances and/or sidewalks. The three (3) foot width shall not include any vehicular overhangs. Wheel stops may be installed in parking spaces adjacent to all pedestrian walkways. This requirement only applies to lots over 100 parking spaces.

Pedestrian walkways will be clearly distinguished from traffic circulation, particularly where vehicular and pedestrian routes intersect.

Pedestrian walkways connecting transit stops to non-street fronting building entrances where applicable.

Sidewalks or walkways which cross vehicular aisles or driveways will be distinguished by a continuous raised crossing, or using contrasting paving material and/or high contrast striping.

**Transit:** None

A bus pull-out lane shall be considered in accordance with the recommendations of the Tulsa Transit and Transportation Planning Staff.

**Hours of Truck Operation and Dumpster Service:** None

There will be no idling of trucks. No trash and/or dumpster service is allowed between the hours of 10:00 p.m. and 7:00 a.m.

3. No zoning clearance or building permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot within the development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that

lot.

8. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review and the subdivision platting process.
10. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**TMAPC COMMENTS:**

Mr. Carnes asked staff to reiterate to the Planning Commission and to the public what the applicant is requesting that is not permitted by the current zoning. In response, Mr. Alberty stated that the Corridor zoning, which is what the subject property has on it as the underlying zoning, requires a site plan to be submitted to determine the development standards and uses that are permitted. The corridor zoning is probably the most permissive zoning district in the City of Tulsa and it allows 125 percent floor area to begin with. It also allows apartments, offices, single-family residential and retail uses. The 21 acres with the corridor zoning would allow for a consideration for over one million square feet of floor area on the 21 acres due to the fact that it is 125 percent floor area and there are no height restrictions in a corridor zoning. Corridor zoning was anticipated to be located within only a few areas within the City of Tulsa, namely those areas within ½ mile of an expressway corridor. The original intent, in 1975, was to encourage high-density/high-intensity development within the corridor district. What is happening in this particular situation is that it was originally a 185-acre application and was later reduced by the Turnpike Authority and has been subsequently reduced to go from apartments to single-family residential uses. It has been a continual down-scaling from what was originally approved. Today there are only two sites that are remaining to be developed within the original 185 acres, which are the subject property and a lot south of the recently-developed restoration facility. Staff has compared and shown what is proposed under the current PUD-411-C and what is being requested today. The column on the right shows more restrictions than what could be permitted today. The only exception is the setback on Memorial that is proposed to be reduced and the height of the building, which the corridor zoning presents no height limit, but PUD-411-C had restricted it to 26 feet and they are now coming back and asking for architectural features that would exceed the height limitation. The applicant is not asking for a multi-level building, but due to the height increase for the architectural design, it does require an increase in height. Under straight zoning one can allow 150 percent increase in height for architectural features and he is not sure this is an

issue. The increase in floor area, which is permitted as a minor amendment, the height and the two setbacks are the only differences from PUD-411-C.

Mr. Midget asked if the applicant would be allowed one million square feet under the original corridor. In response, Mr. Alberty answered affirmatively.

In response to Mr. Carnes, Mr. Alberty indicated that the applicant is requesting 259,410 SF. Mr. Carnes stated that this is about 25 percent of what the Corridor zoning would allow.

Mr. Harmon asked if the applicant really needs three access points on 84<sup>th</sup> East Avenue. In response, Mr. Sansone stated that initially the applicant requested five access points and reduced it to three access points in the hopes that none of the three would be placed directly across from residential lots. He is not able to answer whether there needs to be three because he is not a traffic engineer. Mr. Sansone explained that in the corridor district, 84<sup>th</sup> East Avenue was designed to collect some of the traffic off of 101<sup>st</sup> and Memorial in order to relieve some of the traffic congestion in theory. He would think that by eliminating the northernmost access point may create more traffic on 101<sup>st</sup> and Memorial. Mr. Harmon stated that traffic could still flow up 84<sup>th</sup> East Avenue with or without the access point. Mr. Sansone stated that he can't speak to the driving nature of people, but his understanding would be that by closing the northernmost access point there will actually be more traffic onto 101<sup>st</sup>. He indicated that staff would probably agree with whatever Traffic Engineering recommends.

Mr. Ard requested Darryl French, Traffic Engineering, to come forward and address the northernmost access issue.

Mr. Darryl French, Traffic Engineering/Technical Advisory Committee, stated that normally planning is emphasized on arterial streets where the majority of the citizens would be impacted. Under PUDs he does occasionally review collector street access. The classification of 84<sup>th</sup> East Avenue would be the key to the Planning Commission's decision on this issue. This is a collector street running north and south and the analysis in the field is that all of the residential back to the collector street and none front the street or have driveways to the street. There are two or more commercial driveways already existing, one being less than 30 feet north of the northeast corner of the proposed tract. The other driveway was recently approved for the Norton III Addition. At no time at those PUD hearings did the Planning Commission determine that there would not be any access allowed onto the subject collector street. There is no magic number to propose today and it is up to the Planning Commission to determine whether this is a residential collector street or a commercial collector street.

Mr. Ard asked what the timeframe would be for expansion on 101<sup>st</sup> Street to the east and provides better flow for 84<sup>th</sup> and Memorial. In response, Mr. French

stated that there has been some discussion with Public Works and the intent is to look for funding for widening 101<sup>st</sup> from Memorial to 84<sup>th</sup> East Avenue.

**Harold Tohlen**, City of Tulsa Development Services, stated that there have been conversations related to the 101<sup>st</sup> Street improvements between the County Engineer and Public Works Director. The plan is to make the improvements once there is funding to do so.

Mr. Tohlen stated that the State also has a plan to widen Memorial, which would be late 2009 or early 2010.

Mr. Ard asked if there would be some signaling for 84<sup>th</sup>. In response, Mr. French stated that there have been discussions and proposals by the developer, but it is yet to be determined.

Mr. Tohlen stated that the City has indicated that it is in favor of a light on Memorial at 98<sup>th</sup> Street.

Mr. Harmon asked Mr. French if he had any figures of how busy 84<sup>th</sup> East Avenue is or what is the capacity. In response, Mr. French stated that a capacity study has not been done. A signal study for 101<sup>st</sup> and 84<sup>th</sup> East Avenue would generate a capacity analysis and both would occur simultaneously and that is the report that the applicant will be providing prior to any engineering.

Mr. Marshall asked Mr. French where he would want to move the northernmost curb cut. In response, Mr. French stated that he has not proposed any movement. The recommendation of the Traffic Engineer is for the developer to design and construct a diversion island to deter any through-traffic.

Mr. McArtor asked Mr. French if there are three access points on South 84<sup>th</sup> East Avenue into the subject property. In response, Mr. French stated that the original PUD proposed five access points and staff recommends reducing it to three access points.

Mr. McArtor asked Mr. French to explain the difference between a residential collector and a commercial collector. In response, Mr. French stated that he would assume that if the determination was that this is a collector street, then the Planning Commission would be allowing normal access from a commercial tract, but if it is a residential street, then the Planning Commission would want to look at any and all possible means to minimize the impact of the commercial access to the said residential collector street.

Mr. McArtor asked Mr. French how the Planning Commission is to determine whether this is a residential or commercial collector street. In response, Mr. French stated that he merely gave his field observations of where existing driveways currently exist and the Planning Commission did not decide to

eliminate access on other projects in the immediate vicinity and the determination that physically all of the residential back to the commercial and do not have individual driveways, which would be inherent in a residential street.

Mr. McArtor asked Mr. French if it is his opinion that this is a commercial collector street. In response, Mr. French stated that he is in position where he doesn't feel that he needs to make this recommendation to the Planning Commission because it is a decision that the Planning Commission should make. In response, Mr. McArtor stated that he understands that the Planning Commission will make the decision, but he would like to know Mr. French's opinion. In response, Mr. French stated that it has every bit of feeling of a commercial street. The Planning Commission has already allowed access in the immediate area to the north.

Mr. Midget stated that he understands that the Planning Commission has allowed commercial use in other projects and it would be hard-pressed to designate just that portion as something different from what is already been an existing use. It is currently being used as commercial at this time.

Mr. McArtor stated that this seems to be one of the biggest concerns of the residents. He understands that the residents fear that the access points on 84<sup>th</sup> East Avenue will increase traffic through their neighborhoods and not decrease it. He wasn't trying to put Mr. French on the spot and Mr. French helped frame the issue.

Mr. Sparks stated that it appears to him that the collector is both commercial and residential.

Mr. Marshall stated that 84<sup>th</sup> East Avenue is wider than most streets and it is prepared more for commercial usage rather than residential. In response, Mr. French stated that the City uses the same construction standards (36-foot width with on-street parking within a 60-foot right-of-way) and this is the same standard for a commercial area. The collector cross-section design is the same for residential and commercial.

Mr. McArtor asked Mr. French if he aware of any other large commercial lots like the subject proposal that have access points in the back of the store. In response, Mr. French stated that Promenade Mall comes to his mind, which has access off of a 26-foot residential street into their parking garage, and Eastland has a street on both sides. This is a mixed-use design and is well established planning principle and there will be situations that are mixed-use.

Mr. Ard stated that there is one change that seems significant, which is signage. In response, Mr. Sansone stated that what is currently approved is for one ground sign for each lot along the arterial street frontage and the applicant is requesting one ground sign per arterial street frontage. The way the standards



are written, the three out-parcel lots would not have their own ground signs. There would be one tenant directory sign on each of the two major arterials and they would be allowed wall signs with a display surface area of 1.5 square feet per lineal foot of wall. Mr. Sansone clarified that there would be one ground sign per lot for the out-parcels and one major sign for arterial for the major tenant. With 300 square foot display surface area at 25 feet in height it is not a significant request, given the length of the major street frontage.

Ms. Cantrell asked if the standard reads that there would not be any wall signs on the back wall. In response, Mr. Sansone stated that there would be no wall signs allowed on the back wall.

Mr. Sansone asked the Planning Commission if they received their letters from Bixby. In response, Mr. Ard stated that they did receive Bixby's letter.

Mr. Marshall asked why there isn't a requirement for a detention area. In response, Mr. Sansone stated that the detention area is located on the corner of South 84<sup>th</sup> East Avenue and 101<sup>st</sup> Street. It was designed to handle the runoff from the subject property and the developer will be required to certify to the City of Tulsa, prior to the issuance of any permits, that the detention pond can handle any runoff from the subject project.

**Harold Tohlen**, City of Tulsa Development Services, stated that the detention pond is in conjunction with another detention pond in the development to the east. He indicated that he has reviewed the report personally that was done for the original development, and it indicates that there is adequate capacity to address the additional runoff that will be generated by the impervious area that will be placed on the subject tract. The issues of Bixby fall right into the City's general guidelines. Anytime there is a development, the City does not allow any additional flow, velocity or elevation change to leave the property where it was originally generated. Therefore, in this case the City will be looking at that in design to ensure that those conditions are met for the subject property.

Mr. Ard asked Mr. Tohlen if he has reviewed the letters from Bixby. In response, Mr. Tohlen stated that he has not seen the letters, but he did see the newspaper article that addressed some of the issues. He reiterated that the City would not increase the flow going to the City of Bixby over what it is today.

Ms. Cantrell asked Mr. Tohlen what would happen if the City did see a problem with this design. In response, Mr. Tohlen stated that the developer would have to address that issue when designing the internal drainage on the subject property. If they are unable to control the flow, then they will have to provide some type of detention facility on their site as well. These are detail issues that can't be addressed today because obviously the design hasn't been done. The bottom line is the limit will be met.

Mr. Marshall asked if there are any sidewalks along Memorial. In response, Mr. Sansone stated that sidewalks would be required along 101<sup>st</sup> and Memorial.

In response to Mr. Marshall, Mr. Sansone stated that the loading dock would be located at the rear of the building between the eight-foot masonry wall and the building itself. Mr. Marshall asked if it is located on the north end. In response, Mr. Sansone answered negatively. Mr. Sansone explained that one of the development standards is that there shall be no idling trucks anywhere within the PUD and they are restricted on delivery times.

In response to Mr. Marshall, Mr. Sansone stated staff never considered denying any access onto 84<sup>th</sup> East Avenue. Mr. Sansone deferred to the Corridor Chapter of the City Zoning Code regarding collector streets that deflect the increase in traffic away from the existing major arterial streets. In his opinion, 84<sup>th</sup> East Avenue would be viewed as a commercial collector since there are no homes fronting 84<sup>th</sup> East Avenue.

Mr. Marshall expressed concerns with the height of light poles and the northern parking lot. In response, Mr. Sansone stated that the developer will have to submit a lighting plan and show that it has been designed using the Kennebunkport Formula.

Mr. Sansone read the light standard that is proposed to Mr. Marshall, which indicates that no light standard could be taller than the proposed building.

Mr. Sansone cited the history and intent of the original PUD and that over time it has changed. Single-family residential homes have been built in what was initially supposed to be a buffer area. There is a thin barrier left with townhouses between the subject property and residential homes.

Mr. Ard stated that he would like to discuss an issue with one of the Planning Commissioners because it was made public in the newspaper. There has been a request for Mr. McArtor to recuse himself and a letter from City Councilor Christiansen as well. He asked Mr. McArtor if he would like to respond to this issue.

Mr. McArtor stated that he did receive a letter from Councilor Christiansen dated February 15 and he didn't get the letter until this morning. His first knowledge of this letter came to his attention on Monday evening when he was called by a reporter from the Tulsa World. The letter indicates that Councilor Christiansen hoped to resolve this matter privately. Unfortunately it couldn't be done that way because he didn't find out about it until the Tulsa World reporter contacted him, which he doesn't believe Councilor Christiansen intended to happen.

Mr. McArtor explained that at the last meeting his microphone was on and he didn't realize it when he indicated to Mr. Boulden that he was leaning in a

particular direction in this matter and he believes because of that a lot of anxiety and concern was created on the part of people who live in Ridge Pointe. He apologized for their anxiety because he believes that it is very important for all citizens to know that when they come before a Commission in this City that they will get a fair hearing with people that are fair and unbiased. To the extent that this has been called into question in anybody's mind, he really is very sorry because these processes are very important to everyone and the Planning Commission. That having been said, he has no intention of recusing from this matter simply because he had not made up his mind and he can't say that he has made up his mind right now. That doesn't mean that he may not be leaning in a particular direction as he was last time, but that doesn't mean he has made up his mind. He believes it is important for everyone to understand how the Planning Commission operates. Every member gets a packet of information from INCOG every week to read and prepare for these meetings. Oftentimes the information is voluminous, with maps, letters, staff recommendations, plans, etc. All of this information is given to the Planning Commission prior to the meeting and it is the Commissioners' job to go through the information and he knows that every Planning Commissioner does do this and it takes a lot of time. For all of this, the Planning Commissioners are paid the handsome sum of nothing more than thrill of civic duty, which is okay. To think that one can read through all of this information and not have an opinion when coming into the meeting is naïve. There will be an opinion unless one has not done his job. Everyone here wants to do his job. They take the time to read through this information and talk to staff in order to be prepared when attending the meeting. This doesn't mean that the Planning Commissioners' minds are made up before the public hearing. Everyone will be heard fairly by the Planning Commission. Mr. McArtor concluded that he appreciates Councilor Christiansen's concerns, but with all due respect, he will not be recusing.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21st Street, 74114, stated that PUD-411 was originally approved in 1986 and since that time there have been four major amendments and 23 minor amendments. The entire PUD is under Corridor zoning. Less than 50 percent of the non-residential floor area will be used in PUD-411 as it was originally conceived.

Mr. Reynolds indicated the existing detention pond for Ridge Pointe Villas and the detention pond was designed and built to serve both Ridge Pointe Villas and the subject property. There is a four-foot reinforced concrete box that runs under South 84<sup>th</sup> Street that is ready to put water in today for the detention pond. The street will not have to be torn up to be used for that purpose and it was intended that way.

Mr. Reynolds stated that Ridge Pointe is key to this proposal today. Except for Ridge Pointe there are no residences within 300 feet of the subject property. He explained that he has negotiated with both the Ridge Pointe neighborhood and

the Ridge Pointe Villas neighborhood. No one within Ridge Pointe is adjacent to the subject proposal and they can barely see it. Ridge Pointe Villas is across the road from the subject tract and he has reached an agreement with the homeowners association. Ridge Pointe Villas support the subject project with the amendments that staff has added and some other conditions that he has defined on the project. Ridge Pointe Villas, the people most affected by the subject project, has no problem with three access points. They understand that whatever is designed will have to be safe and it is important. He has agreed with Ridge Pointe Villas that no truck can turn right and travel south on South 84<sup>th</sup> East Avenue. He explained that he has worked very hard to get details right with the people who are closest to the project. Mr. Reynolds explained that originally he requested five access points and after discussion his client, has agreed to remove two access points. The access points will be designed later with Traffic Engineering approval during the detail site plan phase. There will be no right-turns for trucks.

Mr. Reynolds stated that the reason this is a minor amendment is because there is no significant departure from the original development plan. The buffer that is proposed makes this a minor amendment. There is not another commercial project in Tulsa with this stringent standards. This project has the highest landscaping that he is aware of in Tulsa. His client has created the distance buffer with walls, landscaping, development standards and use standards. There is less than 15 percent increase in floor area and the building setbacks that were requested are irrelevant due to their location. The subject project will act as a sound buffer for everyone located behind it. It will block the view of things from the south and it will also create a noise barrier. The height increase is not great considering the topography, which is higher in the north end. The height increase is from 26 feet to 30 feet. Mr. Reynolds cited the grading and how the height increase will be very minor and probably not visible to anyone. The height increase is for the architectural feature. Mr. Reynolds submitted elevations of the proposed building (Exhibit A-5). He believes it is important that everyone understand that the proposed building will be one story and the height increase is strictly for the architectural features. The store is designed to blend into the elevations for the South Town Market.

Mr. Reynolds explained that the issue with the access is interesting because he has done the zoning work on the Jim Norton projects and the requirement that he consistently had in all the PUD amendments for the lot-splits were that his client had to have access on the collector street for those businesses. This has been consistently applied all through the development of the PUD. South 84<sup>th</sup> is over 1,000 feet in length and the three curb cuts are agreed to by the ones most affected by it, which is the homeowners association of Ridge Pointe Villas. They want some of the access to enjoy the shopping center, which they see as a great amenity. They do not want to have to go to the arterial roads in order to access the store. There have been problems with this in the past with the development on Darlington and I-44 and was denied access. Today those residents want

access and it has been changed back and forth. He mentioned that cars are able to access Promenade from the north from a very nice neighborhood. Mall 31 is able to be accessed through a neighborhood, as well as the Wal-Mart at Woodland Hills Mall. Woodland Hills Mall is accessible through the arterial roads or the neighborhood from the north. There is nothing unusual about these types of collectors, which are planned. The collector street connects to arterial roads and connects them in a fairly straight proximity and a near proximity. The types of businesses along this are fairly big users and Ridge Pointe Villas built their homes in the subject area backing up to these uses. All of the homes in Ridge Pointe back up to the subject area more than 300 feet away.

Mr. Reynolds stated that the Ridge Pointe neighbors requested that the store be moved to the west. The store will not be visible to the neighbors and it makes no difference to these neighbors who are more than 300 feet away. The neighbors are seeking privatization of their streets and would like for his client to pay for the gates and the maintenance of the streets in the future, etc. They have been denied by the City of Tulsa to have private streets and his client can't make that happen. This access is required by the Zoning Code and there is nothing unusual about it. This issue was addressed when it was down-zoned from apartments to residences. The Planning Commission knew that the residents couldn't impose a buffer on his client and the developer of the residential development was told that he couldn't shift the buffer to the west. He is essentially giving up his buffer and he is unable to impose a greater requirement on the neighboring property because he has chosen to give it up. Apartments in the subject area are allowed to be built up to 48 feet in height, which is higher than what his client is seeking.

Mr. Reynolds listed the following concessions his client has made: 1) agreed to an eight-foot masonry wall; 2) Target has agreed to hours of operation from 8:00 a.m. to 10:00 p.m. and 8:00 a.m. to 11:00 p.m. for holiday hours; 3) agreed to a delivery truck schedule and if a truck is leaving after 10:00 p.m. they will use the Memorial access; 4) escrowed money for Ridge Pointe Villas to improve their wall; 5) will meet the Zoning Code requirement and additionally landscape 30,000 SF along Memorial and 27,000 SF along 101<sup>st</sup> (depending on how much street is left after making dedications) and along South 84<sup>th</sup> there will be 12,000 SF of landscaping and double the tree requirement to 72 plantings, additionally his client has agreed to plant 12 trees on the east side of the street for the 12 homes that backup to South 84<sup>th</sup> where the residents request; 6) agreed to install a sidewalk for the residents to use, which will be on the resident's side of the street; 7) no idling of trucks, no trash dumpster service between 10:00 p.m. and 7:00 a.m.; 8) the store will be all masonry and the same materials will be on the back of the building that are on the front of the building; 9) the rooftop will screen the equipment and will not be visible from the ground; 10) no outside storage; 11) the first 150 feet will only have a 12-foot lighting standard and they do not want to have issues of lighting with the neighborhood; 12) limits of access to three points and none will be opposite or near a residential driveway and no tractor-trailer

trucks will turn right and come back to the south on South 84<sup>th</sup>. The intersection will be designed so that physically a truck could not turn; 13) no signage will be placed on South 84<sup>th</sup>; 14) setback for the trash containers will be 60 feet behind an eight-foot masonry wall (Target has an inside trash compactor and all waste will be handled inside the store. It operates at 50 decibels and the subject area allows 70 decibels. It is emptied about twice a month. Target currently recycles 99% of the materials.

Mr. Reynolds stated that there have been a lot of concerns from the neighborhood. The collector is 9.5 miles from Mingo to the subject property with four multi-way stop signs, two 90-degree turns and six new speed humps and more are proposed. With the signalization of Mingo and widening of the intersection, there is not up side to cutting through the neighborhood. Jon Eshelmann, Traffic Engineer Consultant, stated that initially he wasn't able to verify any cut-through traffic. Oklahoma Department of Transportation is planning to widen Memorial from four lanes to six lanes. The City of Tulsa and Tulsa County are going to widen 101<sup>st</sup> Street back past 84<sup>th</sup> and past the Food Pyramid store.

#### **Gail Carnes out at 3:17 p.m.**

Mr. Reynolds stated that his client has agreed to prorate the expense of maintaining the pond for Ridge Pointe. The City of Tulsa may share in some of the heavier maintenance, but his client has agreed to prorate it regardless.

Mr. Reynolds addressed a letter that was written and sent to Target and the first effect is that they wanted to voice their concerns as if they are the neighborhood that controls this proposal. The adjacent neighborhood is Ridge Pointe Villas and they are happy with the proposal. The only community that is against the subject development is Bixby and they oppose it because they wanted the store to locate in Bixby. The letter mentions many times that the proposal is inconsistent with the Comprehensive Plan and the PUD; however, this is consistent with the Comprehensive Plan and has always been consistent with the Comprehensive Plan. It is consistent with the original PUD-411 and is consistent with PUD-411-C. It has been recommended by TMAPC staff as being consistent with those things. The letter suggests that there are inconsistencies with the densities outside, but the underlying zoning allows much more density. The letter states that there are insufficient public facilities, which is simply not true. All of the public facilities that the City of Tulsa controls will have to be in place before the store opens, which is widening of 101<sup>st</sup> and the stormwater issues that Bixby is concerned about. All of these things are improvements, which include extending a waterline and looping it and that will create better water pressure and better fire protection for the subject area. The subject proposal can't be developed until water, sewer, stormwater, and street access is in place. There will be a traffic study in accordance with the City of Tulsa regulations to determine whether there should be a signal installed. The letter indicated that his client

hasn't cooperated with them and there is nothing that his client can cooperate with because they have been given demands. It has been demanded upon his client that the building be moved 40 feet west and if the building is moved 40 feet west there will be no project. It has been demanded that their street be privatized and make the City of Tulsa do this and pay for their gates. The residents gave Target a bid for \$160,000.00 to privatize their streets and they wanted a sinking fund to pay for the maintenance that the City would no longer do. Their intention has never been to work or cooperate with his client. He has never received cooperation out of Ridge Pointe, but he has always had cooperation from Ridge Pointe Villas. Ridge Pointe residents claim that the proposal is jeopardizing projects in the subject area and that is simply not so. The only request before the Planning Commission is a minor amendment and there are no requests for rezoning. This project will not put a strain on the public utilities because they will be improved. There are development standards that will take care of the use of South 84<sup>th</sup> and 101<sup>st</sup> Street will be widened. Tulsa Traffic Engineer has plans to synchronize the traffic signals between Bixby and Tulsa, which will increase traffic flow up to 15 to 20 percent.

Mr. Reynolds stated that in the current peak hour the traffic is 110 vehicles use the 84<sup>th</sup> Street in the in a.m., which is less than two per hour. The current peak hour in the evening is 120, which is two an hour. Once the shopping center is built between 101<sup>st</sup> and the south access drive during the peak a.m. hours there will be 80 cars and in the p.m. hour there will be 150 cars. Between the south and north access drive the peak a.m. will be 20 vehicles and peak p.m. will be 30 vehicles with no trucks being allowed.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Reynolds if the development would require some restrictions on delivery time. In response Mr. Reynolds stated that it would require that trucks that leave after 10:00 p.m. have to use the Memorial access and there will be no idling of trucks.

Mr. Harmon asked Mr. Reynolds if he really needed the access on the north point of 84<sup>th</sup> and 98<sup>th</sup> Street. In response, Mr. Reynolds stated that he does and the reason to use it as some sort of out for their trucks to go to Memorial. They do not want to bring these trucks through the parking lot and there can't be much achieved by taking that traffic off of the collector street. Mr. Harmon asked if this would eventually create the raceway through the parking lot. In response, Mr. Reynolds stated that it would not create a raceway because he will work with Traffic Engineering to create some type of an island so that one can't go straight through. This is will be designed more as an exit to get to the collector street and not create a raceway. His client doesn't want a raceway either, and there wouldn't be an up side to creating a raceway.

Mr. Ard asked if there are separate tenant spaces. In response, Mr. Reynolds stated that there are separate tenant spaces and they have nothing to do with Target. They will probably be Starbucks, etc.

Mr. Ard asked if there would be a sidewalk along 84<sup>th</sup> Street. In response, Mr. Reynolds explained that there will be sidewalks along 84<sup>th</sup> Street, 101<sup>st</sup> Street and Memorial, and there will also be walkways through the parking lot with pedestrian access between the parking spaces.

Mr. Ard asked if the agreements with the Ridge Pointe Villas are materially different from the PUD that has been presented today. In response, Mr. Reynolds stated that they are not materially different from anything he has produced and they are consistent with everything discussed. The agreement is simply a little more binding and there is no change. He is in agreement that the Planning Commission add this agreement to the development standards that he has submitted. This is an amended development standard and not a private agreement.

Ms. Cantrell asked Mr. Reynolds if he would object to some restrictions regarding trucks exiting onto 84<sup>th</sup> Street during certain hours. In response, Mr. Reynolds stated that he has already agreed to that by agreeing that after 10:00 p.m. the trucks would go out onto Memorial and it is in the document.

Ms. Cantrell asked Mr. Reynolds if he would consider building lights along the wall rather than pole lights. In response, Mr. Reynolds stated that he would consider it.

In response to Mr. Marshall, Mr. Reynolds stated that one of the things he has agreed to with Ridge Pointe Villas HOA is to construct the wall as soon as possible and construct it within 12 to 14 weeks after construction starts. The landscaping, sidewalks and irrigation will be installed as well. The wall will be in place before construction is finished.

Ms. Cantrell asked how tall the architectural elements will be. In response, Mr. Reynolds stated that he is expecting them to be close to 40 or 42 feet in height. They will be in scale with the project.

Mr. Marshall asked Mr. Reynolds if he ever considered any transitional use in the back such as an office. In response, Mr. Reynolds stated they have not because they wouldn't be able to make the economics work on this project. With this type of screening, landscaping and hours of operation, etc., there is not a necessity to have a transitional use. He has agreed to increase the buffer and screening for Ridge Pointe Villas and they are happy with that. They live within 300 feet of the project. There are others who live farther away who are unhappy with this project. There is another agenda out there and it doesn't have a lot to do with this project, but this project is being used as a wedge.



Mr. McArtor asked Mr. Reynolds to explain the island to him and how it would be constructed. In response, Mr. Reynolds stated that he doesn't know yet how it would be constructed, but the primary purpose of it will be to prevent the proverbial raceway. The second purpose is to keep trucks from physically turning right. Mr. McArtor asked if this is part of the PUD restriction. In response, Mr. Reynolds stated that it is not part of the PUD restriction, but it is a restriction with the Ridge Pointe Villas HOA that no trucks shall turn right. It is in writing that no trucks shall turn right and it is in the agreement with the Ridge Pointe Villas HOA agreement. Mr. Reynolds reiterated that Target wouldn't want a raceway through their parking lot.

In response to Mr. McArtor, Mr. Reynolds explained the reason for the three access points and how they will be utilized.

Mr. McArtor asked Mr. Reynolds how he came up with the figures regarding traffic. In response, Mr. Reynolds stated that he had Jon Selman, a traffic engineer, to do modeling and use the standard engineering guidelines to come up with the numbers.

Mr. McArtor stated that 84<sup>th</sup> Street is the biggest concern of the Ridge Pointe residents. In response, Mr. Reynolds stated that he understands this; however, none of these people are within 300 feet of the subject property. They do not back up to 84<sup>th</sup> Street and their cars do not back out onto 84<sup>th</sup> Street. Their concern about is a red herring because their concern is about their ultimate goal of having their streets gated. They will swear that it is not the truth, but they were demanding it of Traffic Engineering two years ago. Their demand has been to move the store or gate us. There is a 25-mile per hour speed limit on 84<sup>th</sup> Street and there isn't that much traffic on it. Mr. Reynolds indicated that his client has agreed to have no parking on either side of 84<sup>th</sup> Street. This is an issue that is blown completely out of proportion in a factual way. Today the residents claim that people are speeding on this street and more or fewer people speeding on it will not be affected because there is a Target store located here. One of the reasons people speed on it is because there isn't anyone on the street. There is hardly any traffic on this street.

Ms. Matthews stated that the island issue was first discussed during the Technical Advisory Committee meeting (TAC) and these can be incorporated as part of the PUD standards.

Mr. McArtor asked Mr. Reynolds if he had any objections to this being included in the PUD standards. In response, Mr. Reynolds stated that he had no objection to including the island in the PUD standards, but it would be subject to Traffic Engineering approval regarding the design.

Mr. Boulden asked Mr. Reynolds what the screening wall would be made of. In response, Mr. Reynolds stated that it could be brick, block or concrete panels with columns, but it will be a solid masonry wall in some form or fashion.

Mr. Reynolds requested to read the letter from Target. In response, Mr. Ard requested that the letter be read during the rebuttal. Mr. Reynolds stated that this letter is from the Target representative who was here two weeks ago and could not make it to today's meeting.

Mr. Ard clarified the time limits for interested parties and requested that if their points have been covered and their case has been represented fairly, then to waive their speaking presentation in order to move the meeting along quickly and have a reasonable end. However, everyone does have the right to speak and the Planning Commission will hear from anyone who wishes to speak.

Mr. Ard asked Mr. Hudspeth if he is in charge of the Ridge Pointe website. In response, Mr. Hudspeth answered negatively. Mr. Ard informed the interested parties that all correspondence with any of the Planning Commissioners should go through staff. Now all of the Planning Commissioners' email addresses are on the website and they have been inundated with a lot of emails. Mr. Ard explained that he personally operates a business through his email and it has been burdensome for him. He requested that all of the email addresses be removed from the website and keep in mind that staff forwards all correspondence and see everything that is sent.

**Interested Parties Opposing PUD-411-C-12/Z-5842-SP-7:**

**Kara Amos**, President of Ridge Pointe HOA, 8505 East 95<sup>th</sup> Place, 74133; **Jan Henry**, 8626 East 98<sup>th</sup> Street, 74133; **Matt Hudspeth**, 9536 South 85<sup>th</sup> East Avenue, 74133; **Joseph Wallis**, 8618 East 100<sup>th</sup> Place, 74133; **Lynn Flynn**, 8608 East 100<sup>th</sup> Street, 74133; **Carolyn Cagle**, 8732 East 98<sup>th</sup> Place, 74133; **Robert Cooper**, 8601 East 98<sup>th</sup> Street, 74133; **Michele Cordova**, 10018 S. 86<sup>th</sup> E. Ave., 74133; **Chris Boatright**, 8522 East 97<sup>th</sup> Street, 74133; **Larry Cardwell**, 10014 South 86<sup>th</sup> East Avenue, **Linda Roth**, 8406 East 99<sup>th</sup> Street, 74133; **Wade Thurston**, 8407 E. 100<sup>th</sup> St, 74133; **Beverly Keefe**, 8417 East 98<sup>th</sup> Pl, 74133; **Herman Fritchen**, 8502 East 98<sup>th</sup> Street, 74133; **Bill Whitt**, 9827 South 88<sup>th</sup> East Place, 74133; **Teresa Chism**, 8411 East 99<sup>th</sup> Street, 74133.

**Opposing Interested Parties Comments:**

Ms. Amos stated that there is a team of approximately six people wishing to speak and it is divided into specific issues in order to keep the meeting moving. She has spoken with the residents about deferring their time to the six speakers. There are 249 homes and families in Ridge Pointe who oppose the subject project; Ms. Amos described the type of neighborhood she lives in; there are many businesses next to her neighborhood, but the difference with these businesses opposed to the proposal is that these businesses have worked within the zoning and what the PUD was set out for; the existing businesses have been

very good neighbors and have worked with the residents; requested the Planning Commission and the City to uphold the rules as they stand today; Ms. Henry submitted a petition (Exhibit A-2) signed by nearly all of Ridge Pointe residents and Ridge Pointe Villas she can't speak for, except that she is aware that there are residents of the Villas who are not in agreement with Mr. Reynolds; Ms. Henry indicated that she had petitions from Cedar Ridge (located at Mingo and Memorial), The Greens (located at Mingo and 101<sup>st</sup>), Legacy Park, and Ridge Pointe Villas who do oppose the proposal; concerned about safety for children and traffic; Ridge Pointe Villas is a gated community and their children have to leave their neighborhood to wait for the school bus along the corridor; there are no sidewalks and children are waiting for the school bus from ages five to 15; everyone moved into Ridge Pointe knowing that the subject property was zoned commercial and that is not a problem; now that the rules are in place and they knew what they were when they moved in. The applicant wants to change the rules mid-stream; the applicant claims that the only feasible way to develop the property is this way; originally this was a major amendment when first applied and they intelligently reduced it to a minor amendment to make it 14.9 percent increase in square footage just under the 15 percent threshold; Mr. Hudspeth read Section 11 of the Tulsa Zoning Code; he questioned how a big-box store could meet Section 11 of the Tulsa Zoning Code; Mr. Hudspeth argued that Target doesn't need to have the smaller tenants as they claim and he compared existing Target developments with the proposal; prefer the building be moved 40 feet south to allow access off of 101<sup>st</sup> Street and close all access points on South 84<sup>th</sup> East Avenue and alleviate Ridge Pointe resident's concerns regarding traffic; since the last continuance he was able to meet with the City of Tulsa and they have committed that if development is approved today, then they can get some speed humps in the neighborhood and that would help; Mr. Hudspeth stated that he admits to cutting through neighborhoods whether there are speed humps or not; the neighborhood did ask for gating because they thought it was their only hope to stop cut-through traffic; since that request he has learned that Jenks buses would not operate in a gated community and therefore gating is out the window; the gating issue was a matter of safety for the neighborhood children and not greed on the resident's part; Mr. Hudspeth asked how a big-box store is harmonious commercial activity; how does this promote any type of residential harmony or purpose; rear access to other commercial developments like this is rare; Mr. Hudspeth doesn't believe that the Villas is a buffer and finds it offensive to believe so; when he moved in there was a sign advertising South Town Square now leasing upscale retail and office and there is a website for this that is still up today, which shows a shopping center like Utica Square that would encourage foot traffic; residents bought and moved into the subject area with this expectation and they are now false; there is an argument that South Town Square didn't develop because it is not economically feasible, but at 101<sup>st</sup> and Mingo there is a similar shopping center going in like South Town Square; there was a lot of agreements made and unfortunately that didn't happen with this proposal; in 2006 the weekday counts for traffic at 101<sup>st</sup> and Memorial, which is four lanes were almost identical to 71<sup>st</sup> and Memorial, which is six lanes;

INCOG's own study (Traffic Management Congestion Study) showed 101<sup>st</sup> and Memorial as the fourth busiest intersection in the City of Tulsa; it is classified as overloaded and it states that there are no funds in sight for improving this; one of the things that the applicant proposes to do to help traffic on Memorial is to put in another stop light at 98<sup>th</sup> Street, which will make six stop lights in a one-mile stretch; the cut-through traffic has hit some of the children in the neighborhood; there are no sidewalks in the neighborhood and the children have to walk in the street to get around in the neighborhood; cut-through traffic has hit mailboxes and caused the mail box to fly about ten to 15 feet from its base; the infrastructure is not in place for this development to go in; there has been a pattern of reducing the intensity of this PUD and that is a pattern that neighboring homeowners should be able to count on and rely on; prefer to have responsible commercial development; concerns expressed regarding stormwater issues that may become a legal issue with the City of Bixby; the residents in the subject area are tax-paying citizens and when the City of Bixby sues the City of Tulsa, they will be suing tax payers; Tulsa has too many sinking funds that tax payers pay for; there is a need for an unbiased approach for the stormwater issues; move the building 20 feet to the west and it would be in compliance with the PUD; disagree that by moving the building 20 feet west the whole deal will be dead; better buffer would be achieved if the building was moved 20 feet to the west, although a true buffer doesn't exist since there is no transitional/multifamily housing between the proposal and single-family housing; the island for egress should be part of the PUD; there is no reason for the proposal to be so big; comparison made between traffic for Target versus the adjacent car dealerships; residents knew there would be commercial development and are good with that; concerned about access on 84<sup>th</sup>; in 1999 the neighborhood did look into gating when a previous developer wanted to build a super-box store and they wanted to use the subject lot and the site where the Villas are currently existing; the reason for looking for gating is because of traffic at that time and it is the same today; the neighborhood didn't qualify for gating in 1999 due to stop signs that do not allow the traffic to get up to high speeds; when the Villas were built the idea of gating went away and the neighborhood can't afford gating; residents have been told that 101<sup>st</sup> has not been designated as one of the streets that will receive funding through a 2012 sales tax bond according to Brent Stout, City of Tulsa; zoning and development rules should not change; *Mr. Ard reminded the interested parties that they have had over one hour and thirty minutes to speak and if the remainder of the interested parties do not have something of substance that can be added to the conversation, they should consider waiving their time.* Mr. Cooper wanted to point out that 98<sup>th</sup> Street is 26' wide and not 36' wide as stated earlier; compared the number of entrances that Wal-Mart has at 111<sup>th</sup> and Memorial, which only has three total entrances to the site; the Target store will be visible from houses south of the subject property; Ridge Pointe residents can see the subject site from their homes; this is not economic development; the concessions are welcomed, but residents are not happy about them; too close to single-family homes; there is a lot of traffic on 84<sup>th</sup> East Avenue to miss the intersection at 101<sup>st</sup> and Memorial; it is not true that all Ridge Pointe Villa

residents are in agreement with the proposal; project is too large and should go back to the original PUD requirements; purchased home not knowing that Ridge Pointe Villa would be considered a buffer zone between commercial and single-family housing; Ridge Pointe Villas is for retired and older persons and very few children and would like the development scaled down and not have the access on 84<sup>th</sup> East Avenue; there are a lot of children living in the neighborhood and there is too much cut-through traffic; not putting sidewalks in Ridge Pointe was a huge mistake because the kids walk in the streets and play in the street; Mr. Whitt stated that he is one of the suppliers who services stores of this nature and when the developer restricts the deliveries it costs him more money due to the reduced delivery time. He agrees with all of the neighbors to leave the PUD as it is because the business prospective incurs a great deal of cost and transfers back to all Tulsans.

**Councilor Christiansen**, 5106 East 86<sup>th</sup> Place and stated that he is big advocate for sidewalks, too, as the Planning Commission well knows. Councilor Christiansen cited the history regarding the Nelson Nissan/Mazda dealership. He explained that after the Planning Commission approved the dealership, the City Council denied it. Shannon Bengé convinced the neighbors to renegotiate with the owner and it went through. Ms. Bengé can attest to the fact that houses in the subject area are almost impossible to sell because of the car lot. The property values have plummeted and they can't sell their homes because of Nelson Nissan/Mazda. He would like the Planning Commission, as he does as a City Councilor, to put themselves in their position and pretend they own homes in the Villas. Not all of the Ridge Pointe Villa residents are in agreement with the Target store.

Councilor Christiansen stated that had the current land owner not sold the property to the Villas, there would plenty of buffer area. Now the owner is coming before the Planning Commission to ask to amend the PUD and allow the proposal and back it up to the resident's back yards. Leave the PUD the way it is today and the property will be developed by someone, if not Target.

**TMAPC COMMENTS:**

Ms. Cantrell asked where the neighborhoods are located that signed petitions. In response, Ms. Henry stated that Cedar Ridge Park and Cedar Ridge Village are at the northeast corner behind Ridge Pointe, Legacy Park is on the south side of 101<sup>st</sup>, and The Greens is located at 101<sup>st</sup> and Mingo.

In response to Mr. Shivel, Ms. Henry stated that the Ridge Pointe Villas HOA is in agreement with the project, but there are representatives here today who are not in agreement with their own board. Mr. Shivel stated that he is surprised that the residents closest to the project are not opposed to the project. In response, Ms. Henry stated that she believes that there are residents from the Villas present today who are objecting to the project.

Mr. McArtor asked Ms. Henry if it is fair to say that the main concern is traffic. In response, Ms. Henry answered affirmatively.

Mr. McArtor asked Ms. Henry if the island that is proposed to slow down traffic helps alleviate any of her concerns. In response, Ms. Henry stated that it doesn't really because people will only slow down when they reach the island and they will try to get to points A and B as quickly as possible, which is happening right now. Ms. Henry further stated that people cut through to access Mingo, and 101<sup>st</sup> Street is currently a nightmare to drive on because it is two lanes. Mr. McArtor stated that he hears what Ms. Henry is saying, but his thought is whether it is this commercial development or some other commercial development and he appreciates that Ridge Pointe has gone on the record to state that they are not against commercial development, but it is this particular type of commercial development. In response, Ms. Henry stated that it is the size of the commercial property and the traffic that it will attract. Mr. McArtor stated that it does strike him that eventually there will be commercial development on the subject property and it will create traffic and he is wondering if the residents wouldn't be here anyway no matter what development idea was brought forward because of the traffic and safety concerns. In response, Ms. Henry stated that she disagrees with that statement. She further stated that by removing the entrances to the rear of 84<sup>th</sup> Street, there would be no need for any cars to come up there. She commented that she is totally for commercial development and she actually moved to Ridge Pointe based on the proposal that Stan Frisbie shows on his website for South Town Square as originally planned. One could walk from Ridge Pointe and do some casual shopping and bring in the community, walk with one's kids and spend money. One wouldn't want to walk to a Super Target store.

Ms. Cantrell asked if Target didn't have the exits, would the residents not be here today. In response, Ms. Henry stated that it is totally the traffic issue for her. She suggests removing the rear entrances so that it can be for trucks only and let the cars enter from 101<sup>st</sup> on Memorial. Ms. Henry indicated that she would be in favor of one entrance for truck use only off of 84<sup>th</sup>.

Mr. Midget asked Ms. Henry if he understands her correctly that there is already a traffic problem in the subject area. In response, Ms. Henry stated that there is existing cut-through traffic trying to reach Memorial because of the build-up on 101<sup>st</sup>.

Mr. Ard stated that Mr. Sansone referred to the Villas and he mentioned that that particular parcel, prior to 1999, was identified as the buffer within the PUD in its multifamily use allowance. He doesn't believe that staff was suggesting that the Villas are anything other than single-family residences now. In response, Mr. Hudspeth stated that his point is that the Villas parcel has also been relaxed from multifamily down to single-family.

In response to Mr. Midget, Mr. Alberty stated that the PUD could be abandoned and start from scratch. If the PUD were abandoned, then the portion of the PUD that controlled the development of this site would go away and then they would have come back in with a corridor site plan, which is essentially the same process as a PUD. The same application under a corridor site plan could be considered; however, it would be tempered based on by what their proposal would be and taking into consideration the surrounding and adjacent development. Mr. Midget stated that his point is that there is a possibility, given the underlying zoning, that something could be in there and there could be no continuity at all that this subject PUD or any PUD is offering. Conceivably there could be a big-box store developed anyway with some other adjacent businesses that met the required square footage with no continuity in function or design. The subject PUD offers a little of both for those aspects.

In response to Mr. Midget, Mr. Hudspeth stated that in his opinion Ridge Pointe Villas is a single-family housing and he doesn't believe that this acts as a buffer between commercial development and other single-family housing. He compared the Wal-Mart at 111<sup>th</sup> and Memorial as a perfect example of proper buffering. Mr. Midget stated that his point is that the Ridge Pointe Villas would buffer Ridge Pointe from the proposed development. In response, Mr. Hudspeth answered affirmatively.

Ms. Cantrell stated that the subject property is currently in a PUD that was decided years ago. The only request before the Planning Commission today is to consider the exits, height and setbacks. The Planning Commission can't go back and revisit whether this is a good PUD or not. Ms. Cantrell stated that she would like to get this narrowed down to what the real issues are. She doesn't hear much about architectural elements being a problem. In response, Mr. Hudspeth stated that it does look pretty, but the applicant is trying to cram too much into a too small a space and push it too far back against single-family housing. The setback along 84<sup>th</sup> East Avenue is the setback that the neighborhood has a problem with. The applicant is requesting for more than half of the setback to be reduced. Ridge Pointe may not be within 300 feet of the notice requirement, but that doesn't mean that his neighborhood isn't impacted by this development. Ridge Pointe should still have a voice. Ms. Cantrell stated that she understands Mr. Hudspeth's concerns and she wanted to clarify what the issues really are. She further stated that as nice as whatever the original plan was the Planning Commission can't force them to build Utica Square South. In response, Mr. Hudspeth stated that he understands that, but the Planning Commission does have the authority to require modifications and to not allow the amendment and make them comply with the height requirements and the setback requirements.

Mr. Ard stated that he has been looking at the original plan that the interested parties have provided and it is difficult to determine what the density would be for that plan. However, in that site plan proposal, which may be nothing more than a

drawing, they have three exits onto 84<sup>th</sup> Street in the original plan. The one thing that has been consistent is the access onto 84<sup>th</sup> Street as a necessity for a normal flow of traffic out of that large piece of property. In response, Mr. Hudspeth stated that the Shops of Seville on Yale is more set up for a pedestrian-friendly environment as the original plan for the subject property appeared to be. Mr. Ard stated that Mr. Hudspeth had stated that he thought the original plan is what he thought he would have to live with and there are access points on 84<sup>th</sup> Street. In response, Mr. Hudspeth stated that there are access points on the original plan, but his position is that the traffic flow to something like the original plan is different from that of a Super Target. There would not be any semi-trucks making deliveries because it would be for office space and light retail not a big commercial box store.

Mr. Marshall stated that there is no record of the conceptual plan that the interested parties have submitted for the subject property. It may be on the website, but it has never been submitted to INCOG staff. Mr. Marshall explained the request for setbacks and how the applicant is only reducing the setback more than half where it is across from a detention pond. In response, Mr. Hudspeth indicated how the store could be moved forward and wouldn't need access along 84<sup>th</sup> Street.

Mr. Shivel explained how much square footage is allowed today on the subject property and it is misleading to state that the applicant is "cramming" buildings onto the subject site. In response, Mr. Hudspeth stated that when one is requesting to reduce the setbacks in order to place the subject building closer to single-family housing, then it is cramming a building onto the site. Mr. Hudspeth further stated that in terms of the amount of floor space available as opposed to what they are asking for it couldn't be considered cramming. Mr. Hudspeth clarified that he considers it "cramming" when they are pushing the building as far back as possible to make this more economically feasible.

Mr. Sparks asked staff if there is anything that is in this application that doesn't fit within the guidelines the Planning Commission has to follow. In response, Mr. Alberty stated that he believes the question is, "Does this fit within the PUD Section and within the Corridor Section of the Zoning Code?" and it is staff's opinion that it does. Mr. Alberty further stated that the idea of access has been debated from the beginning of this proposal. There is a section within the Corridor district that requires access in corridor developments to collector streets and that is the reason why it is there. That is the presumption that when one does high density development the idea is to distribute traffic to keep it off of the arterial streets. The debate of whether this is residential or commercial is both because it is a corridor collector and it collects both residential traffic and commercial traffic.



Mr. Hudspeth stated that this collector street would then collect traffic and distribute it to 101<sup>st</sup> or out to Memorial. What necessity does that exit serve if the trucks are turning left to Memorial? There is absolutely no need for the north cut.

Mr. McArtor stated that he believes that Mr. Hudspeth indicated that he represents residents who feel that they have been defrauded. In response, Mr. Hudspeth stated that he did not say "defrauded", but did state the elements of estoppel. Mr. McArtor stated that he believes that the residents believed that the conceptual plan that they submitted was what would be developed on the subject property; however, there was no contract or covenant, but merely their hope. Mr. Hudspeth stated that he would disagree with that because the website stated that the conceptual plan is coming and the sign on the corner stated "now leasing" and that is, if not actual, implied that it is going to happen. Mr. McArtor stated that there is a lot of commercial in the subject area and there is a concern that if the Planning Commission starts making decisions on what people say "it was their assumption" when they purchase their homes that would put a real pinch on development in the City of Tulsa. While in general the residents have some idea or expectation of the development, the specifics of those expectations are not anything anyone could ever promise in the future. This is commercial development and speculative in terms of time and money, etc. If this development is denied, then it is not that now the other expected development would come in, but it could very well be either it is today's proposal or nothing. This puts the Planning Commission in a very difficult position and this is something that no one has the power to predict or control regarding development. Mr. McArtor explained that he hears what the residents are saying and he can empathize with it, but it may be requiring the Planning Commission to buy into something that would not be prudent to do. It might be what the Planning Commission would have to face in the future if they made a decision regarding expectations or assumptions of development. In response, Mr. Hudspeth stated that he understands Mr. McArtor's statement, but that may lead developers to being more cautious about what they advertise. He believes that developers have a duty to not just throw things around that they know people will rely on, especially when they put a sign up within the boundaries of the subject property and state "now leasing" with elevation sites of what it will look like. The developers can't have carte blanche to do this sort of thing. Audubon Park across the street agreed to a Nelson Nissan/Mazda going in and now none of them can sell their houses because it has so badly impacted their property values. He commented that the reason he uses this as an example is because he relied on the representations of what was going to happen (a South Tulsa Utica Square) and now the rug is pulled out from under him. He understands that it may not be economically feasible, but that should have been explored before advertising it and stating that it is now leasing for tenants. Mr. McArtor asked Mr. Hudspeth if he knew who the developer was. In response, Mr. McArtor stated that it was Mr. Bumgarner and it is on Stan Frisbie's website.

Mr. McArtor asked Mr. Hudspeth if he talked with the developer of the subject site when he purchased his home. In response, Mr. Hudspeth stated he didn't, but he did check on the zoning.

Mr. Ard explained to Mr. Wallas that stormwater is a consideration of the Planning Commission; however, the Stormwater Management Division handles the drainage issues. Mr. Tohlen, Public Works, stated that the City of Tulsa gets involved during the design phase and so it is not just the representation from the developer that the street will not be flooded. The City of Tulsa Stormwater Management and City Development Services will ensure that no additional water than currently exists today will go over once this development is done. This is part of the development procedure that is handled by the City of Tulsa. Stormwater issues are outside the purview of what the Planning Commission can consider with regard to zoning and land use planning. In response, Mr. Wallas stated that he understands that it would be unprecedented to do any type of upfront analysis and basically have the homework done as it appears the City of Bixby has been doing. He is requesting that in this particular case it might be prudent.

Ms. Cantrell stated that she believes that staff wanted a left-out at the island and not allow right turns. She further stated that she would think the residents would want the traffic to go left and send it through the car lots as opposed to going behind the houses. In response, Mr. Wallas stated that if cars are given a lane to turn left, then it also gives them a lane to go straight. In response, Ms. Cantrell asked Mr. Wallas if the egress could be engineered so that a car could only go left, would he be satisfied. In response, Mr. Wallas stated that he would love to see that design.

Mr. Shivel reminded Mr. Wallas that one of the requests was to allow trucks to only turn left and if trucks are allowed to turn left, then cars would obviously be able to do this also. In response, Mr. Wallas stated that he is not excluding trucks, he is including all traffic.

Mr. Ard stated that the Planning Commission heard the application for the Wal-Mart on 111<sup>th</sup> and Memorial and there is a specific legal reason that there is no access on 111<sup>th</sup> side and the developer did want that access.

Mr. Ard informed Mr. Fritchen that the Planning Commissioners are big advocates for sidewalks.

**Applicant's Rebuttal:**

Mr. Reynolds stated that this is a minor amendment to an existing PUD and his client is trying to do a different type of development. He explained that several years ago there were signs on the subject property to attract attention to it and he hired two of the best real estate brokers in Tulsa for this type of project. The two real estate brokers worked diligently on the property and no one was able to get

the project off of the ground. That is why the conceptual project didn't go forward and there is no possible fair way to penalize somebody for their efforts. No statements were ever made to anyone, no contractual obligations, no estoppel, no fraud, etc. His client and the real estate brokers tried their best and it never happened. The project the interested parties are referring to was called a lifestyle center and those centers were very popular about five years ago. An example of one is at 61<sup>st</sup> and Yale, Kings Pointe. Kings Pointe goes directly into a collector street and directly into a residential area back to the west. Kings Pointe does this in two locations. There is nothing unusual about this and there is nothing bad about it.

Mr. Reynolds stated that the biggest issue that he is hearing has to do with infrastructure and one of the traffic concerns is the fact that it is so congested on 101<sup>st</sup> Street and people cut through on 84<sup>th</sup> East Avenue or perhaps somewhere else in Cedar Ridge Park trying to reach Memorial. That will be remedied by the widening of 101<sup>st</sup> Street. The widening of 101<sup>st</sup> will add capacity and stacking to better utilize the intersection. Target is not going to purchase the subject property unless 101<sup>st</sup> is widened and that has to happen because they will not build their store with a two-lane road there. The developer knows that the widening has to happen and that the stormwater issues have to be met. Those issues will be taken care of throughout the process. Memorial will be widened to six lanes and the construction will be starting shortly after the Target store opens if it stays on schedule. Mr. Reynolds stated that a lot of the concern about the use of 84<sup>th</sup> and why it is used like it is because of the inadequacy of the arterial roads, which has been resonated by what people had to say. He indicated that he has discussed traffic issues with Charles Hardt, Director of Public Works, and he has assured that 101<sup>st</sup> will be widened and it will happen before the Target store opens. There is no secret agenda and the bottom line is there will not be a Target store if 101<sup>st</sup> isn't widened. If the stormwater issues can't be dealt with then Target will not want this site, but these stormwater issues are dealt with all of the time.

Mr. Reynolds stated that the three access points are necessary and it will be designed where there will be no straight-through traffic into Ridge Pointe. He explained that his client is working on a design and have met with Mark Brown and Darryl French last week. The design will limit the right-turn to the south and block trucks from turning to the south. There will be a right-turn in and it will be designed for the trucks and there will be no cut-through traffic. Target has not created this traffic problem and a lot of the new development will help resolve it. The widening of 101<sup>st</sup> on both sides of Memorial will significantly help the traffic problem. It is merely a matter of reallocating resources to get the money to widen 101<sup>st</sup> and he has the agreement to make that happen if this Target store goes forward. This will resolve traffic problems and do something good for the community. He believes that widening 101<sup>st</sup> will relieve traffic on 98<sup>th</sup> that directs traffic back into the neighborhood.

Mr. Reynolds stated that the stormwater detention pond is designed to handle 267 cubic feet of water per second and right now Ridge Pointe Villas uses 107 cubic feet per second and the projected stormwater for the Target store is 120 cubic feet per second, which will leave 40 cubic feet per second of capacity left over. Ridge Pointe is 500 feet from the proposed store and the nearest home in Ridge Pointe Villas is 130 feet from the proposed store. The buffering can be made in many different ways. Buffering is not just an apartment project or an office project. Buffering can be achieved in a very creative way, such as hours of operation, landscaping, screening walls, dumpster hours, inside trash compaction, limiting light height, screening the HVAC equipment with a masonry wall and have achieved buffering with the same type of building materials on the front at the back so that one is not looking at something that is ugly. Buffering is a fluid concept and it is what the PUD process and this corridor site plan are for.

Mr. Reynolds stated that the number of parking spaces is determined by the Zoning Code and it is more than is ever needed. The City Zoning Code requires parking spaces based on a peak demand-type situation. The bigger the center the more onerous the parking demand is. The parking requirement might be right for a small business, but it is not for a large-user type center. The Code allows a ten percent reduction in parking by special exception for a center this size when there is shared parking. Mr. Reynolds stated that this proposal will have shared parking and ten percent reduction is way too great and it would probably take a 20 to 30 percent reduction before it is noticed in terms of some type of reduced parking from a Code standpoint. Mr. Reynolds explained that the parking will be below the Zoning Code and will seek a ten percent reduction. Nowhere in Tulsa does a big store like this need the amount of parking the Code calls for. Occasionally Woodland Hills uses their entire parking a few days before Christmas, but parking is a concept that in these big multi-user type facilities are rarely overcrowded, except maybe Woodland during the holiday season. Woodland has overflow parking available to deal with the holiday season parking. Mr. Reynolds commented that Target will never have that problem, but it would be wonderful if they did. There will be no parking along the street and there is no one who would go back into the neighborhood and park to walk to the store. It is 600 feet from to the Target door from the closest place on South 84<sup>th</sup> and it is agreed that it would be no parking.

Mr. Reynolds reiterated that the intersection will be designed so that there will be no straight traffic going into Ridge Pointe. His client will work with Traffic Engineering to make this happen. If the standard needs to be amended to state "right in and right out" he has no problem with that because he has been working on a way to force the delivery trucks to turn left. Mr. Reynolds stated that the disjointed traffic problems can be addressed with a traffic light. It is not a perfect solution, but it is not a bad situation either. It is unknown if the traffic capacity will require a traffic light, but if it does that can be done. A traffic light would allow left-turns only on one side at a time and not together.

Mr. Reynolds stated that interested parties questioned what they would get back in turn. They will get a first class project in return and something nice to look at with a first-class tenant. This will be a well-designed project and very well thought out and landscaped. No place in Tulsa will rival this for its screening, landscaping and the masonry construction all around and the attention to lighting. Mr. Reynolds commented that this development will enhance the neighborhood. He indicated that five out of six board members were at the Ridge Pointe Villas meeting last night and all five unanimously voted for this development. He explained that he can only negotiate with associations and can't negotiate with individuals. Just as not all Ridge Pointe Villas people are for this, not all Ridge Point people are against this proposal, nor all of the Cedar Ridge people or Tulsans. This is not a popularity issue and the design of the proposal is within the City of Tulsa Zoning Code.

**TMAPC COMMENTS:**

Mr. Ard asked if the project is over-parked. In response, Mr. Reynolds stated that they are, but he doesn't know the number.

Mr. Ard asked if there is any way to push the building 20 feet west and lose some parking and still be within the parking requirement. In response, Mr. Reynolds stated that it is not about losing the parking, but it hurts the project in the back and would create a large space that is unusable. There would be a great deal of parking lost if the building is pushed 20 feet west because of the shape of the land. The parking in the back would be useless, but necessary to comply with the Zoning Code and meet the ten percent reduction.

Mr. Ard asked if the site is over-parked that if the building was pushed to the west, would there be too much parking lost and be out of compliance. In response, Mr. Reynolds stated that he looked at pushing the building west and there is too much practical field lost to operate the Target store practically. It is not so much a compliance issue, but a practical issue.

Mr. Harmon asked if during the off-period times (after 10:00 p.m.) the store could take those trucks and unload them and send them back out on 98<sup>th</sup> Street, then it can be done all day long. He doesn't believe the north end entrance is needed. He believes that this will be just as functional and Target will reap as many benefits without that and it would keep some traffic off of the neighborhood streets. Mr. Harmon stated that one can put signs and islands up, but some people will cut through and he believes the solution is to eliminate the north entrance on 84<sup>th</sup>. In response, Mr. Reynolds stated that one has to understand that, because he said that late in the evening the store is closed and there won't be any cars in the parking lot, which would make it easy for the trucks to get out through the parking lot. The project would lose a substantial amount of parking if there had to be a large turn for the trucks all of the time. There will not be that many trucks that will be leaving at 10:00 p.m. either. Mr. Harmon stated that if there aren't that many trucks, then they could be routed onto 98<sup>th</sup> Street. In

response, Mr. Reynolds stated that his point is that the trucks will come primarily throughout the day and when the store is being operated and when there would be cars in the parking lot. The reason that he has agreed to after 10:00 p.m. allowing trucks through the parking lot is because it wouldn't happen that often and when it does there wouldn't be anyone to interfere with. During the day-to-day operations his client would need the parking spaces. In response, Mr. Harmon stated that possibly the parking lot could be reconfigured to keep a wider corridor on the north boundary to access 98<sup>th</sup> easier. Mr. Harmon commented that he believes this can be done and that Target, as well as the neighbors, could live with it. In response, Mr. Reynolds stated that Target has informed him that they need the truck access and it is very important to them and needed to operate the store in an efficient way. Mr. Harmon stated that no matter what types of traffic control one installs, there will still be someone who will find a way through. Mr. Reynolds stated that there are people who do that and they are currently doing that now, but the other improvements that are proposed will reduce that. Neighborhood collector streets exist today because the arterial roads were inadequate when the neighborhoods were developed. As the arterial roads improve there is less pressure to cut through. Mr. Harmon stated he can understand Target asking for everything that they believe they need now and into the future, but sometimes one has to live with the here and now. Mr. Reynolds stated that this is the here and now for Target and the north entrance is very important.

Mr. Marshall asked if Target would own the land. In response, Mr. Reynolds stated that Target will own their store. Mr. Reynolds stated that Mr. Bumgarner will be developing the center and selling Target a development pad site. Mr. Bumgarner will own the buildings on the side. Mr. Reynolds stated that Target is trying to take away the big-box effect with their elements and it is unfair to call it a big-box store in the marketplace because it is nowhere near the big-box store in the marketplace.

Mr. McArtor stated he has been looking at the original conceptual plan for the subject property and there were three entrances along 84<sup>th</sup> East Avenue planned. The residents stated that they relied on the conceptual plan and three access points were always going to be there. What was not going to be there, according to Mr. Bumgarner years ago was the corner access. This seems to be the sticking point for the residents. Closing the one corner access would solve a lot of the concerns for the neighborhood and he can't imagine that Target can't deal with this one access being removed. He urged Mr. Reynolds to discuss this with his client. In response, Mr. Reynolds stated that it is a very big challenge in the operation of the store to not have the north access point. Target has instructed him that they need the third access.

Mr. Sparks stated that he has had a chance to look at the original conceptual plan. He believes that the original plans show a 500-car parking garage and most of the exiting would have been on 84<sup>th</sup> Street. He doesn't see any way to

screen these buildings and he really believes that had this been built, the residents would have been unhappy with it. One might be careful what they wish for because based on what he sees, this conceptual plan is a disaster compared to today's proposal. Mr. Sparks stated that it is possible that the car garage is five stories, but there is no way of telling from the drawing.

Mr. Reynolds stated that the third access point on the original drawing would exit out near the neighborhood and this is what his client sought to avoid, having an access point near anyone's home. He further stated that he just talked with the Target representative and he proposed that the access point back to the north would only allow trucks to turn left and it wouldn't allow cars. He will work this design out with Traffic Engineering. Mr. Reynolds indicated that if they are unable to work that out, then they will have to live with that.

**Don Bouvier**, 2001 Ross, Dallas, Texas, representing Target, stated that the street has already been designed to handle trucks and all they are stating is that they would have them exit away from the residences onto a street already designed to carry trucks and which is currently carrying trucks. There is a parking lot for cars that is designed and being constructed right now for the purpose of carrying trucks directly behind the neighborhood into the car lot. Target will simply be joining the existing traffic during the day. He believes that the access can be designed to limit it to truck access/exit only. Mr. Bouvier stated that the intersection could be rerouted or reroute the exits to point north. He explained that the trucks will be Target's trucks and controlled by Target which controls the direction, flow and time of their own trucks. This can also be achieved through signage, reverse access, etc. He commented that he doesn't have the absolute solution, but he believes that it is truck exit only and there is no entrance from there. It would be Target's job to come up with something and it is not different than the storm sewer or water capacity. Target is willing to do this and solve the problem.

Mr. Shivel stated that there is no way to control this exit issue without someone standing there and allowing trucks only. In response, Mr. Reynolds stated that the plan is not showing Code parking for the Target portion right now and he will have to ask for some relief in order to get to the parking. The current plan is Code under-parked and he will have to get down to the ten percent to comply with the Code in order to be close to be properly parked.

In response to Mr. Marshall, Mr. Reynolds stated that he would not have to go before the Board of Adjustment for the ten percent reduction.

Mr. Boulden stated that he would like to make one point about corridor zoning, which Mr. Albery had made this point before, but he would like to read the language of the ordinance regarding access in the corridor district. Mr. Boulden read the language. He explained that when one talks about reducing this collector street access down to two, then it becomes difficult to see how one

complies with that mandatory provision. This starts conflicting with the Corridor zoning.

Mr. Reynolds suggested the Planning Commission allow him the ability to design the intersection that will allow trucks only.

**Jon Eshelmann**, 6931 South 66<sup>th</sup> East Avenue, Tulsa Manager, Traffic Engineering Consultants, an Oklahoma City firm, stated that his company does traffic design and traffic studies. He was hired to work on a traffic analysis for the subject site. Mr. Eshelmann confirmed that he is a Civil Engineer and has experience in traffic engineering after working for the City of Tulsa for 27 years and 13 years with consulting.

Mr. McArtor apologized for questioning Mr. Eshelmann's credentials. Mr. McArtor asked Mr. Eshelmann if he is satisfied that the traffic will not be too congested in the two neighborhoods to the east. In response, Mr. Eshelmann stated that he has conducted an analysis and he is working on a report. He has projected the traffic out of the development and assigned it to all of the access points, streets, etc. He analyzes what he has been told, what improvements will be in place, including six-lanes on Memorial and the widening of 101<sup>st</sup> east and west of Memorial. Without the improvements on 101<sup>st</sup> there will be major problems and everyone knows what they will be. With the improvements in place and the widening that is being proposed, the level of service in the p.m. peak hour are all within acceptable limits. In his opinion, the one thing that prevents pressure upon drivers or the desire to cut through the neighborhood is the ability to get out on 101<sup>st</sup> and turn left. Coming through the neighborhood from Mingo doesn't seem reasonable for most drivers because they can go south to 101<sup>st</sup> and west, which is a much faster route to get to whatever store is on the subject property. Turning left to go back east on 101<sup>st</sup> is the movement that could entice people to back through the neighborhood and it is important that good left-turn access to the south be provided. He explained that he has looked very hard at the 101<sup>st</sup> and 84<sup>th</sup> East Avenue intersection after 101<sup>st</sup> is widened and with the projections he has and the directions he has traffic flowing, he doesn't think it warrants a signal at that intersection based on the proposed development alone. It is not far from it, but there is a lot of undeveloped land on the south side of 101<sup>st</sup> and when that fills up and uses 84<sup>th</sup> East Avenue on the south side of 101<sup>st</sup> it is his opinion that there will be a signal warranted at that intersection at that time. If there is going to be a signal anywhere on 101<sup>st</sup> that is the only realistic location (101<sup>st</sup> and 84<sup>th</sup>). Mr. Eshelmann explained various ways to make the signaling work when that time comes.

Mr. Eshelmann stated that, in his opinion, to have an easy way for people to get from the proposed store onto that collector street and south to what he believes will be a future signal to go east relieves pressure to cut through the neighborhood.



Mr. McArtor stated that he thought the widening of 101<sup>st</sup> and Memorial would help diminish the cut-through traffic. In response, Mr. Eshelmann stated that from his counts he knows that in the morning the westbound traffic on 101<sup>st</sup> has some go north on 84<sup>th</sup> East Avenue and come around to get out at 98<sup>th</sup> and Memorial because the traffic cues back so far north bound that someone is letting them in and not having to come down and get in the tail-end of the cue and work their way up. People do this to miss the intersection at 101<sup>st</sup> and when the capacity is greatly increased it will probably be quicker to come down 101<sup>st</sup> and go north once it is six-laned and once it is improved. All lot of people come out of the neighborhood at 98<sup>th</sup> Place in the morning and head for Memorial and most are trying to get on U.S. 169. In the evening there are not as many people going back into the neighborhood on 98<sup>th</sup> Place, probably because Memorial is congested and if they are coming from U.S. 169 they can exit Mingo and come in the back way. People will continue to do this because it is their easy way to get to the highway.

Mr. Sparks asked Mr. Eshelmann if it is better traffic-wise that this is retail versus a ten-story office building. In response, Mr. Eshelmann stated that he can't give a specific answer, but he knows that a general office building generates 11 trips per day per thousand square feet. Every different land use has a different trip generation rate and all predictions depend on what the land use will be the square footage of each kind of land use, which he can't give a quick answer for office versus commercial. He speculated that the original concept possibly could generate ten percent less traffic, but he wouldn't be able to predict that without knowing the exact square footage and land uses.

Mr. Reynolds stated that with regard to the north intersection he would propose that it be a one-way out left. By eliminating the right turn he would have enough spacing to work on a design for a left-turn out only. This will deal with cut-through traffic and he believes this is a compromise he can make work.

Mr. Midget asked Mr. Reynolds if he would be willing to put metal spikes so that if anyone tries to get in it would punch their tires. In response, Mr. Reynolds stated that he would be willing to do so.

Ms. Cantrell asked if the left-turn could be designed in such a way that there is no way that they could physically cut-through 98<sup>th</sup> Street. Mr. Reynolds stated that he would do his best to make sure of that, but they would be doing that with the right-in and right-out as well and it is primarily to reduce that by it being left-turn only.

Mr. McArtor asked Mr. Reynolds if 101<sup>st</sup> and Memorial would be widened because of the Target store or in any event. In response, Mr. Reynolds stated that ultimately they will be widened in any event because it is part of the plan to be widened. The issue is the timing of when and he is speeding up the when to accommodate this project.

Mr. Bouvier read a letter from Target (Exhibit A-3).

Mr. McArtor stated that he appreciates the letter and he thinks the world of Target as an organization for a lot of reasons. They far out-distance their major competitor in his view and they are a good corporate citizen. He further stated that because of this he wonders why more concessions couldn't be made, such as moving the building to the west and rerouting the trucks, taking care of the accesses on 84<sup>th</sup> Street. Target touts to be a can-do worldwide corporation and it seems that it could take care of some of these problems on one little corner in Tulsa Oklahoma. In response, Mr. Bouvier stated that he is not an employee of Target, but a development partner with Mr. Bumgarner. Secondly, he has a lot of experience in developing these shopping centers and all he can do is base this on past experiences and his reputation in developing communities. He can't speak for Target, other than he knows what particulars they have to have in order to make this store go. When one talks about successful retailing, then one is talking about a location with visibility, proper parking, adequate lighting and experience. To make this successful one has to give the shopper a shopping experience and add the adjoining retail. Give the shoppers some place to go have breakfast in the morning, coffee in the afternoon and place for their own homeowners association to meet over issues like this. If the building is moved forward then it diminishes the parking and Target knows their formula and what it takes to be successful. If it comes to compromising this then they would prefer not to develop here.

**7:01 p.m.**

Mr. Marshall made a motion and read a statement on how he came up with his decision to make this motion.

Mr. Marshall moved to approve the proposal as recommended by staff, subject to the original setbacks on 84<sup>th</sup> East Avenue to 100 feet; take care of the curb-cut on the north end of the property to the satisfaction of staff that all trucks will be turning left; light poles shall be no taller than 12 feet on the north parking lot.

**Discussion:**

Ms. Cantrell requested Mr. Marshall to clarify his modifications. In response, Mr. Marshall stated that by keeping the 100' setback on 84<sup>th</sup> East Avenue it would move the building 20 feet.

Mr. Ard asked Mr. Marshall if he is proposing to keep the setbacks totally at 100 feet. In response, Mr. Marshall answered affirmatively.

Mr. Ard called for a second of Mr. Marshall's motion. In response, Mr. Shivel seconded.

Mr. Midget asked if he could amend the motion. In response, Mr. Marshall stated that Mr. Midget could ask for a friendly amendment.

Mr. Midget stated that he understands that the original setbacks would kill the project. In response, Mr. Marshall stated that it would only be 20 feet on most of it and the south part of the property could be moved back or cut it off, because they don't need that much square footage.

Mr. Midget recommended that it would be 80 feet straight down 84<sup>th</sup> East Avenue. The citizen across from the detention pond is the only one he heard from that the proposal would be too close. Mr. Midget stated that there have been many occasions where there has been screening walls, trees and the landscaping that is being proposed today being used as a buffer and it is not a new concept. Mr. Midget stated that 84<sup>th</sup> Street was built and is being used as a commercial street. He is confused about what traffic is being kept off of it. He supports any redesign to keep the truck traffic from going back north and lessening any opportunities for ingress into the shopping center from 98<sup>th</sup> Street. He would have to trust that some design could be established to accomplish this. He knows that there are ways to keep traffic from entering a shopping center or a commercial establishment if desired.

Mr. Marshall stated that he believes that there is a way to figure this out that would help the neighborhood and he believes the 100-foot setback should be left as is on 84<sup>th</sup> East Avenue.

After a lengthy discussion Mr. Shivel withdrew his second.

Mr. Marshall stated that he would leave his motion.

Motion fails due to lack of second.

Mr. Harmon asked Mr. Reynolds if he is absolutely sure he needs the access on the north end. In response, Mr. Reynolds stated that it is needed and it will be designed to be an exit only and he will install the backup bars so that no one can come in that access. In response, Mr. Harmon stated that he would hate to see an elderly lady rip up her tires because she uses the wrong entrance. In response, Mr. Reynolds stated that it wouldn't happen due to the design.

Mr. Harmon made a motion to approve the minor amendment per staff recommendation with modifications by the Planning Commission.

Mr. McArtor stated that he would like to make a statement before the voting. There was one person who asked if anyone has the right to change the rules. He commented that all of the amendments and zonings from the past have happened and now we are at this point. What is being proposed today is perfectly within the process of the law. People are allowed to come in and

propose amendments to PUDs and that is the way the system works. There is notice and hearings. There is usually a conflict between the developer and the homeowners and the Planning Commission has to figure out a way to make decisions and move on. The other question was when the homeowners get the chance to be heard at the table on the Comprehensive Plan. In response, Mr. McArtor stated that the Plan is being redone now and at a certain point every homeowner in the City of Tulsa who wants to come to the table and be a part of it will get a chance to be a part of it. Perhaps because the Comprehensive Plan is so out of date is why we are here today.

Ms. Cantrell stated that this is a minor amendment and whatever the decision is made, if the interested parties are unhappy with it they would have to appeal it to the City Council.

Mr. Ard explained the process of minor amendments and the appeal process to the City Council.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-1-0** (Ard, Cantrell, Harmon, McArtor, Midget, Shivel, Sparks "aye"; Marshall "nay"; none "abstaining"; Cantees, Carnes, Perry "absent") to **APPROVE** the minor amendment for PUD-411-C-12/Z-5842-SP-7 per staff recommendation as modified by the Planning Commission: 1) 80-foot setback would apply to the full length of 84<sup>th</sup> Street; 2) the northeast entrance would be one-way exit only with a left-turn only, and per submitted agreement with the Ridge Pointe Villas HOA.

\*\*\*\*\*

Chairman Ard called for a five-minute break at 7:30 p.m.  
Chairman Ard reconvened meeting at 7:37 p.m.

15. Z-7082 – Don R. Loyd

**RS-2 to CG**

East of northeast corner of South Yale Avenue and  
East 32<sup>nd</sup> Street South (Continued from 12-5-07)  
**(Applicant has withdrawn this application)**

(PD-18b) (CD-5)

**STAFF RECOMMENDATION:**

Applicant has withdrawn this application and therefore it is stricken from the agenda.

**Withdrawn.**

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16. **Z-7088 – Charles E. Norman**

**RS-3 to RM-1**

West of the northwest corner of East 51<sup>st</sup> Street and  
South 145<sup>th</sup> East Avenue

**(PD-17) (CD-6)**

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11825, dated June 26, 1970, established zoning for the subject property.

**PROPOSED ZONING:** RM-1

**PROPOSED USE:** Multifamily development

**RELEVANT ZONING HISTORY:**

**PUD-669 February 2003:** All concurred in approval of a proposed Planned Unit Development on an 11.19± acre tract of land for a 180-unit multi-family development on property located west of the northwest corner of East 51<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue.

**Z-6781/PUD-635 October 2000:** All concurred in approval of a request for rezoning an 80± acre tract of land from AG to OL/PUD and a proposed Planned Unit Development for the QuikTrip Corporate Campus as their headquarters on property located north and east of the northeast corner of East 51<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue and abutting the subject property on the northwest corner.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 35.11± acres in size and is located west of the northwest corner of East 51<sup>st</sup> Street and South 145<sup>th</sup> East Avenue. The property appears to be vacant and is zoned RS-3. It is an L-shaped lot with frontage on both East 51<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 51 <sup>st</sup> Street South	Secondary arterial	100'	2
South 145 <sup>th</sup> East Avenue	Primary arterial	120'	2

**UTILITIES:** The subject tract has municipal water and sewer available.

**SURROUNDING AREA:** The subject tract is abutted on the east across South 145<sup>th</sup> East Avenue by vacant and residential land, zoned AR-4/PUD-94 in Broken Arrow; on the north by vacant land, zoned RS-3; on the south by vacant land,

zoned RS-3, multifamily residential use, zoned RM-1, and commercial use (a convenience store) at the intersection of East 51<sup>st</sup> South and South 145<sup>th</sup> East Avenue, zoned CS; and on the west by vacant land, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use and Low Intensity-Linear Development Area. According to the Zoning Matrix, the requested RM-1 zoning **may be found** in accord with the Plan.

**STAFF RECOMMENDATION:**

Based on the surrounding uses, several of which are more intense than single-family residential land use, and the District Plan, staff can support the requested rezoning and recommends **APPROVAL** of RM-1 zoning for Z-7088.

**Applicant's Comments:**

**Charles E. Norman**, 401 South Boston Avenue, Suite 2900, Tulsa, Oklahoma 74103; stated that the subject property is an odd-shaped tract. Mr. Norman cited the surrounding zoning and the fact that there would never be a north/south collector street connecting the subject property to north.

**TMAPC COMMENTS:**

Mr. Ard asked Mr. Norman if this is a straight zoning change from RS-3 to RM-1. In response, Mr. Norman answered affirmatively. Mr. Norman pointed out that the property to the east is currently zoned RM-1. Mr. Norman stated that the drainage area that begins on the Broken Arrow annexation line continues through the subject area and that is the reason it was understood and agreed that there is no planned north/south collector street in this section.

**Interested Parties Comments:**

**Darrel May**, 4522 South 130<sup>th</sup> East Avenue, 74134, president of Quail Ridge Neighborhood Association, stated that six years ago his neighborhood was a closed neighborhood until Crystal Creek Addition was built immediately to the north with a road connecting the two neighborhoods. Three years ago Union Schools built Rosa Parks Elementary to the east and connected Quail Ridge to the street that runs in front of them. The school built another road for school traffic and construction traffic to prevent traffic going into Quail Ridge. He explained that a Community Action Program school is being built immediately to the east of Quail Ridge. These students will be individually driven to school, since there will be no bus service.

Mr. May stated that residents of Quail Ridge purchased their homes with the understanding that it would be a closed neighborhood. He explained that with today's existing development, people have discovered a cut-through from Quail Ridge and Rosa Parks School to avoid the main intersections. This causes speeding traffic through the neighborhood, and two weeks ago one of the

students at Rosa Parks was riding his bike to school and was run off the road into a parked car. The traffic keeps increasing.

Mr. May stated that the proposal will have a major negative impact on the neighborhood and a significant number of those families will find it convenient to drive through Quail Ridge to avoid the intersections. He requested that this zoning change not be allowed.

Mr. May read a letter from Councilor Troyer (Exhibit B-2) indicating his opposition to the rezoning due to cut-through traffic and safety issues.

**TMAPC COMMENTS:**

Mr. Ard asked Mr. May if he is aware that there will not be a north/south collector. In response, Mr. May stated that he is well aware of that and the traffic is cutting through his neighborhood now and the proposal will bring more traffic using 145<sup>th</sup> East Avenue to come through the neighborhood to miss the traffic.

**Interested Parties Comments:**

**Joe Bohanna**, 1801 West Vale, Broken Arrow, 74012, vice-president of the Vale Trace Property Owners Association, stated that currently there are 80 residences and they will eventually have approximately 200 residences once the empty lots are developed. Mr. Bohanna opposed the rezoning due to unwanted and unnecessary apartments around the intersection of 145<sup>th</sup> and 51<sup>st</sup> Street. Mr. Bohanna cited the number of existing apartments and existing residential homes. Mr. Bohanna believes that apartments outnumber residential homes and creates an unbalance in homes and apartment ratios.

Mr. Bohanna stated that apartment-density living creates problems. Single-family home residents get along better with their neighbors. Apartments have higher density and higher crime rates and problems. Mr. Bohanna cited a study he did on apartments located near Indian Springs, which he indicated were Section Eight apartments, had eight times greater police calls than his development in the Battle Creek Golf Community. This shows that crime rates in apartment areas are a problem. Anytime he can fight the zoning changes for apartments, he will be present.

Mr. Bohanna cited traffic issues and surrounding intersections with traffic issues. He suggested another site for the proposal. Mr. Bohanna requested that this application be denied.

**TMAPC COMMENTS:**

Mr. Ard stated that he is knowledgeable of the apartments in the subject area. Apartments do create more traffic and he will ask Mr. Norman about pending street improvements and if there are any plans for improvements. The two existing apartment complexes are Class A developments with amenities and higher-than-average rent. Hopefully, these apartments wouldn't attract the

issues along the lines of crime as maybe some of the older complexes that are not maintained. In the grand scheme of things, the two existing apartment complexes are nice, well-managed and well-maintained properties.

Mr. Harmon stated that the interested parties believe that there are too many apartments in the subject area, but by that very rationale it leads the Planning Commission to believe that zoning the subject property to RM-1 makes sense because there are other multifamily properties within the neighborhood. In response, Mr. Bohanna asked why there is a change in zoning to make room for more apartments when there is plenty of land already zoned for apartments.

**Interested Parties Comments:**

**Carolyn Stewart**, 13000 East 51<sup>st</sup> Street, 74134, stated that she owns 22 acres with a pond in the subject area and she echoes Mr. Bohanna's concerns regarding crime and apartments. The elementary school is being surrounded by apartment complexes.

Ms. Stewart expressed concerns with drainage and debris from the proposed development that ends up on her land and into her pond. Her pond is full of bass and crappie and her horses use the pond as well. She expressed concerns with contamination of her pond.

Ms. Stewart stated that single-family residential homes have less concentration and less crime and less contamination of her pond.

**Applicant's Rebuttal:**

Mr. Norman stated that to go to the west and to the north is a shorter route than what was suggested by Mr. Bohanna, so he believes that there is a misunderstanding regarding traffic from the proposal. Mr. Norman cited the surrounding properties and their zonings. The subject area has problems with outcroppings of rock, which makes development very difficult.

Mr. Norman stated that he doesn't know the status of development of 51<sup>st</sup> Street, but the intersection of East 51<sup>st</sup> Street and 129<sup>th</sup> East Avenue has been improved up to the entrance of State Farm Boulevard and QuikTrip. He doesn't know when 51<sup>st</sup> Street itself might be further improved or widened.

Mr. Norman stated that from a land use standpoint, there is every justification to support the recommendation of the staff. Mr. Norman requested the Planning Commission to approve the RM-1 zoning for the subject property.

**TMAPC COMMENTS:**

Ms. Cantrell asked Mr. Norman how many units are planned for the subject property. In response, Mr. Norman stated that in an RM-1 district the average is 20 units per acre. The subject property will never develop with that intensity because of the extreme terrain. Part of the subject property is in the actual



drainage basin itself. He is not sure what the useable acreage will be and that will occur during platting. Mr. Norman reiterated the access and that there would never be a north/south collector.

Mr. Norman concluded that the subject area has existing apartments and their quality has been above the apartments that have been referred to.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-1-0** (Ard, Cantrell, Harmon, Marshall, Midget, Shivel, Sparks "aye"; McArtor "nay"; none "abstaining"; Cantees, Carnes, Perry "absent") to recommend **APPROVAL** of the RM-1 zoning for Z-7088 per staff recommendation.

**Legal Description for Z-7088:**

A tract of land being a part of the SE/4 Section 28, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma being more particularly described as follows: COMMENCING at the SE CORNER of the SE/4 of said Section 28; Thence 00°02'04" W along the East line of said Section 28, a distance of 990.05 feet to the POINT OF BEGINNING; THENCE North 89°59'18" West, a distance of 1980.00 feet to a point; THENCE South 0°02'04" East, a distance of 990.00 feet to a point on the South section line of said Section 28; THENCE North 89°59'18" West, along the South line of SE/4 of said Section 28 a distance of 663.41 feet to a point on the West line of the SE/4; THENCE North 0°01'05" East, along the West line of the SE/4 a distance of 1320.48 feet to a point on the North line of the S/2 of the SE/4 of said Section 28; THENCE South 89°59'15" East, along the North line of the S/2 of the SE/4 of said Section 28 a distance of 2642.20 feet to a point on the East section line of said Section 28; THENCE South 0°02'04" East, along the East section line of said Section 28, a distance of 330.42 feet to the PLACE OF BEGINNING From **RS-3 (Residential Single-family District) To RM-1 (Residential Multi-family District).**

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Mr. McArtor out at 8:22 p.m.

17. **PUD-749 – Roy Johnsen**

**RS-1 to RS-1/PUD**

East of northeast corner of East 41<sup>st</sup> Street and South Utica Avenue (PUD to split 1.96 acres into five lots and two reserve areas for development as a single-family residential development.)

(PD-6) (CD-9)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11823 dated June 26, 1970 established zoning for the subject property.

**PROPOSED ZONING:** RS-1/PUD

**PROPOSED USE:** Residential  
Single-Family

**RELEVANT ZONING HISTORY:**

**Z-7063 August 2007:** A request for rezoning a 1.96± acre tract of land from RS-1 to RS-2 was *withdrawn* on the subject property also described as east of northeast corner of East 41<sup>st</sup> Street South and South Utica Avenue.

**PUD-589 August 1998:** All concurred in approval of a proposed Planned Unit Development on a 2.9± acre tract of land for a gated subdivision with seven units maximum, retaining one of existing two houses, on property located west of the northwest corner of East 41<sup>st</sup> Street and South Lewis Avenue and abutting the subject property to the east.

**PUD-546 June 1996:** All concurred in approval of a proposed Planned Unit Development on a 2.3± acre tract of land for a five single-family lots with a private street on property located north of northeast corner of East 37<sup>th</sup> Street and South Lewis Avenue

**Z-6395 March 1993:** All concurred in approval of a request for rezoning a 200± acre tract of land from RS-1 to RE for single-family development on property located on the southwest corner of East 41<sup>st</sup> Street and South Lewis Avenue.

**PUD-493 October 1992:** All concurred in approval of a proposed Planned Unit Development on a 7± acre tract of land for an eight lot development of single-family homes with private streets on property located west of northwest corner of East 41<sup>st</sup> Street and South Lewis Avenue.

**PUD-416 June 1986:** All concurred in approval of a proposed Planned Unit Development on a 3.6± acre tract of land for a single-family, private street development with a maximum of 7 lots on property located west of northwest corner of East 41<sup>st</sup> Street and South Lewis Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.96 acres in size and is located east of the northeast corner of East 41<sup>st</sup> Street and South Utica Avenue, approximately 1,800 feet west of South Lewis Avenue. The property appears to be a large-lot single-family residential use and is zoned RS-1. Immediately to the west is a vacated public street (probably an extension of South Wheeling Avenue).

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 41 <sup>st</sup> Street	Urban Arterial	70'	2

**UTILITIES:** The subject tract has municipal water and sewer available.

**SURROUNDING AREA:** The subject tract is abutted on the east by a single-family residential development, zoned RS-1/PUD-589; on the north by single-family residential uses, zoned RS-1; on the south by single-family residential uses, zoned RE; and on the west by single-family residential uses, zoned RS-2.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-Residential land use. According to the Zoning Matrix, the requested RS-1/PUD zoning is in accord with the Plan.

**STAFF RECOMMENDATION:**

PUD-749 is a 1.96 acre tract located east of northeast corner of East 41<sup>st</sup> Street and South Utica Avenue approximately 1,800 feet west of South Lewis Avenue. The tract has one existing single-family dwelling which will be demolished.

This site slopes from southeast corner of the lot to the northwest corner with the highest elevation (706 ft) at the approximate southeast corner of the site and the lowest elevation (672 ft) at the approximate northwest corner of the site. The site is not within a FEMA or City of Tulsa Regulatory flood plain. There are mature trees on the site, which will be retained where practical.

PUD 749 proposes to split the 1.96 acres into five lots and two reserve areas for development as a single-family residential development. Reserve areas are to be dedicated to open space/landscaping, one private street, storm-water detention, recreation and security gates.

The existing underlying zoning within the PUD is RS-1/RS-2, single-family residential. The proposed use, Use Unit 6 is a use by right in the RS-1 and RS-2 districts.

Utilities are available at the development boundaries and will also be provided by customary extension. Storm water detention will be provided per Technical Advisory Committee (TAC) recommendation as stated below.

The applicant's concept plans are shown on attached exhibits A through E. The proposed development will have one access point off 41<sup>st</sup> Street South with a gated entry. The applicant is requesting a seven (7) foot privacy wall for the PUD perimeter and for court-yard entries to the individual lots.

The PUD comprised of five (5) lots and one (1) block will be platted as a single subdivision.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-749 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-749 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

Land area:	1.951 acres net
Permitted uses:	Detached single family residences
Permitted Uses Reserve Area A:	Private streets, open space, recreation, landscaping and entry features including privacy wall and gates and related security features
Permitted Uses Reserve Area B:	Open space, recreation, landscaping, privacy wall and storm water detention
Maximum Dwelling Units:	Five
Minimum Lot Size:	10,500 square feet
Minimum Lot Width:	115'
Maximum Building Height:	35'
Minimum Yards:	
From 41 <sup>st</sup> Street	35'
From Private Street	17'*

Interior side yards	7.5'
Rear yard	20'

*\* Garages fronting the private street shall be set back a minimum of 25 feet.*

**Livability Space:**

Minimum livability space per Lot 1	7,200 SF
Minimum livability space per Lots 2-5	5,000 SF
Minimum open space Reserve B	7,800 SF

**Screening Walls:**

A wall not exceeding seven feet in height may be erected along the PUD perimeter and within the court yard of each required front yard as indicated on applicant's concept plan Exhibit A.

**Other Bulk and Area Requirements:**

As provided within an RS-1 District

**Access and Circulation:**

Vehicular access is derived by a gated private street extending from 41<sup>st</sup> Street. Sidewalks will be provided in accordance with the Subdivision Regulations or modification thereof approved by the Tulsa Metropolitan Area Planning Commission.

**Site Plan Review:**

The approved final plat shall constitute the required site plan of the planned unit development, provided however, a detailed site plan of the proposed gating of the private street shall be submitted to and approved by the Tulsa Metropolitan Area Planning Commission prior to the installation of the gating and related entry features.

**Stormwater Detention:**

Per TAC recommendation, all roof drains should be piped to the stormwater drainage system in Reserve 'A', and then be piped to the stormwater detention facility in Reserve 'B'.

**Platting Requirement:**

No building permit shall issue until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission

and the Council of the City of Tulsa, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City of Tulsa shall be a beneficiary thereof.

3. No building permit shall be issued until the platting requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
4. No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the applicable development standards.
5. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
6. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, sidewalks and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
7. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
8. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
11. Approval of the PUD is not an endorsement of the conceptual layout. This

will be done during detail site plan review or the subdivision platting process.

**TAC Comments:**

**General:** No comments.

**Water:** A looped water main extension will be required to serve each lot. A 20 foot restrictive waterline easement will be required.

**Fire:** No comments.

**Stormwater:** All roof drains should be piped to the stormwater drainage system in Reserve 'A', and then be piped to the stormwater detention facility in Reserve 'B'

**Wastewater:** Sanitary sewer access must be provided for all proposed lots.

**Transportation:** No comments.

**Traffic:** The additional ten feet of right-of-way is sufficient to meet the 35-foot minimum for an Urban Arterial per the Major Street Plan. The location of the private gate shall be a minimum of 40 feet north of the north curb line.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:** No comments.

**TMAPC COMMENTS:**

Ms. Cantrell questioned about the seven-foot wall in the front yard. In response, Mr. Sansone stated that the walls are a decorative feature and do not enclose or gate off the entire front yard. There would not be a tunnel affect when driving down the main street. The walls do not go the entire street length.

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, 74103, stated that the subject property is under two acres net with an existing house that is planned to be removed. His client plans to construct his home in the northernmost portion of the subject property and then have four lots south.

Mr. Johnsen stated that the yards along 41<sup>st</sup> Street are actually side yards and the walls are proposed to be seven feet in height. Mr. Johnsen further stated that Mr. Herb Beattie was present and he requested that Mr. Johnsen advise the Planning Commission about their neighborhood meeting and there are no objections to this development.

Mr. Johnsen stated several years ago 41<sup>st</sup> Street was designated as an urban arterial classification with a 70-foot dedication. He explained that 20 feet of right-of-way has been a fairly standard requirement and can be done in a PUD. If this were not in a PUD, the requirement would be 35 feet. At the time the property to the east was developed, 41<sup>st</sup> Street was designated as a secondary arterial and they dedicated 50 feet. Staff recommended keeping the proposal the same as the existing, but his argument is that this is a difficult site and it would result in a smaller home if he is required to have the side yard 35 feet in width. He

requested that the Planning Commission make the side yard 20 feet from the 35 feet, which would be 55 feet dedication rather than the 70 feet that is on the property to the east. The justification for this is because it is infill, and when these type of projects occur with the walls and the landscaping they do not have the sensation of being out in front of somebody. Mr. Johnsen submitted a photograph of the development to the east (Exhibit C-1). The proposed setback would not interfere with anyone's view. Mr. Johnsen requested that the 20-foot setback be allowed, but if the Planning Commission must follow the staff recommendation on the subject proposal, then five more feet would help. If the Planning Commission is unable to allow the 20 feet or 25 feet, he has a minimum lot width of 115 feet and the lot width is a north/south dimension and if it could be reduced to 110 feet and reduce the minimum lot size on two lots from 10,500 SF to 10,000 SF then he can make this work. It wouldn't be as good a layout as he has submitted, and he believes that the submitted layout would be better.

**TMAPC COMMENTS:**

Mr. Ard asked staff if they had any objection to the Planning Commission lessening the setback on the 41<sup>st</sup> Street side. In response, Mr. Sansone stated that staff did consider it and staff felt that it was important to keep the continuity of the line of sight down the street. If the applicant is allowed to build at 20 feet, then the wall will be closer to the street than the other walls along the arterial street.

Mr. Harmon stated that with the pictures he just viewed, with the hedges, shrubs, etc., he has the tendency to agree with Mr. Johnsen that no one would realize any difference. In response, Mr. Sansone stated that he appreciates that, but in keeping with the continuity from previous approvals, the recommendation was made at 35 feet to keep a smooth flow. This is a small development and a few feet could change the line of sight and it would be setting a precedent.

Mr. Ard asked Mr. Johnsen if he could agree with 30 feet rather than 35 feet or 35 feet to 25 feet. In response, Mr. Johnsen stated that the 25 feet would work.

Mr. Harmon stated that the wall will be on the edge of right-of-way regardless. The TMAPC is only talking about the setback of the house.

Mr. Harmon stated that the walls will not be even because the right-of-way has changed and this will be out 15 feet farther. The fence will be there, regardless and it is only a matter of where the house is located.

Mr. Sparks stated that the issue is that the houses will not line up. In response, Mr. Johnsen stated that the new development will still be back yard to back yard. Mr. Johnsen agreed that 25 feet setback would work for him.

Mr. Alberty stated that staff has made a recommendation and it is the Planning Commission's prerogative to make a compromise. Staff feels strongly that the



sight line of the buildings should be kept. Staff realizes that the walls will be offset and these will probably be two-story structures and they will appear above the wall.

In response to Ms. Cantrell, Mr. Johnsen stated that he is measuring from the right-of-way.

Mr. Johnsen stated that he needs to make another comment before voting on this application. Mr. Johnsen explained that Mr. Beattie asked that the Planning Commission know that the neighborhood seriously wants a sidewalk from Peoria to Lewis along 41<sup>st</sup> Street and would like the City to adopt some plan to build this on one side of the street before worrying about getting a sidewalk on both sides.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantrell, Harmon, Marshall, Midget, Sparks, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Cantees, McArtor, Perry "absent") to recommend **APPROVAL** of PUD-749 per staff recommendation with the side yard reduced from 35 feet to 25 feet as modified by the Planning Commission.

**Legal Description for PUD-749:**

THE SOUTH FOUR HUNDRED (400) FEET OF THE WEST THIRTY (30) FEET OF LOT NINE (9) AND THE SOUTH FOUR HUNDRED (400) FEET OF LOT TEN (10) AND THE SOUTH TWO HUNDRED NINETY-SIX AND NINE TENTHS (296.9) FEET OF THE WEST HALF (W/2) OF VACATED STREET ON WEST, ROYAL OAK HEIGHTS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF From **RS-1 (Residential Single-family District)** To **RS-1/PUD (Residential Single-family District/Planned Unit Development [PUD-749])**.

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18. **PUD-464-4 – Kenneth E. Vives** (PD-18) (CD-8)  
8603 South Gary Avenue (Minor Amendment to increase permissible height of a detached accessory structure in the required rear yard from 18 feet to 27 feet.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-464 for the purpose of increasing the permissible height of a detached accessory structure located in the required rear yard from 18-feet to 27-feet.

The proposed detached accessory structure meets all applicable building setback and permissible floor area requirements per the Zoning Code. There are no other detached accessory structures located on this lot.

On January 22, 2008 the City of Tulsa Board of Adjustment (BOA) approved case number 20625 granting a variance to increase the height of the proposed structure from 18-feet, to 27-feet citing the "unusual configuration of the lot" as a reasonable hardship. In addition, staff notes the property line to which this proposed structure is set back from is abutting the South Harvard Avenue right-of-way (ROW). The structure is further separated from said ROW by an 8-foot high brick wall.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-464-4 with the conditions of BOA case 20625 that there is no commercial activity and the structure may not be rented.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantrell, Harmon, Marshall, Midget, Sparks, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Cantees, McArtor, Perry "absent") to **APPROVE** the minor amendment for PUD-464-4 per staff recommendation, subject to the conditions of BOA-20625 that there be no commercial activity and the structure may not be rented.

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19. **PUD-595-B-1/Z-5970-SP-5a – Charles E. Norman** (PD-18c) (CD-8)

East side of South 101st East Avenue and ¼ mile north of East 71st Street South, Lots 1-10, Block 1 (Minor Amendment to add a business center identification sign.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-595-B/Corridor Site Plan #Z-5970-SP-5a to allow the 12/21/07 approved business sign (see attached TMAPC approved plans) at the north east corner of Lot 5, Block 1 – Home Center to identify and advertise the future businesses, offices and hotels within the PUD. This request was inadvertently advertised as a request for a second sign along the U.S. 169 frontage, as the result of staff confusion with respect to the request being made.

The interior streets within the PUD are private and will be constructed and maintained by the property owner's association within the PUD, making Home Center effectively a single lot-and-block development.

PUD development standards state there is one business sign permitted along the 1,245' (+/-) Mingo Valley Expressway/U.S. 169 right-of-way. This sign was approved on 12/21/07. In allowing only one sign for Mathis Brothers within the U.S. 169 freeway sign corridor, other businesses within the PUD do not benefit from the exposure to the U.S. 169 frontage. Current PUD development standards allow each business one sign along the private street right-of-way, not to exceed 0.5 square foot of display surface area per lineal foot of private street frontage. The signs are not to exceed 20-feet in height.

Given the aforementioned, staff recommends **APPROVAL** of minor amendment PUD-595-B-1/Z-5970-SP-5a with the following conditions and as amended by the TMAPC 2/20/08:

- Per major amendment PUD-595-B, no permit for this sign may be issued until verification that the outdoor advertising sign located within the PUD has been removed, be provided to the zoning official at the City of Tulsa Permit Center;
- That verification that the sign will not exceed 500 NITS in brightness be provided to the zoning official at the City of Tulsa Permit Center and;
- That owner and tenant identification and advertising be limited to owners and tenants currently occupying a building within the PUD and that individual LED owner and tenant panels be limited to change no more than one time every ten minutes per the definition of changeable copy in the City of Tulsa Zoning Code or as then permitted for digital or LED signs by the Tulsa Zoning Code.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantrell, Harmon, Marshall, Midget, Sparks, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Cantees, McArtor, Perry "absent") to **APPROVE** the minor amendment for PUD-595-B-1/Z-5970-SP-5a per staff recommendation with the following conditions: Per major amendment PUD-595-B, no permit for this sign may be issued until verification that the outdoor advertising sign located within the PUD has been removed, be provided to the zoning official at the City of Tulsa Permit Center; That verification that the sign will not exceed 500 NITS in brightness be provided to the zoning official at the City of Tulsa Permit Center and; That owner and tenant identification and advertising be limited to owners and tenants currently occupying a building within the PUD and that individual LED owner and tenant

panels be limited to change no more than one time every ten minutes per the definition of changeable copy in the City of Tulsa Zoning Code or as then permitted for digital or LED signs by the Tulsa Zoning Code. Currently the City of Tulsa has a moratorium for digital or LED signs and it is anticipated that an ordinance change in regulations will be coming soon and this will allow the use this approval with the future ordinance.

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20. **PUD-702-A-1 – Birnie W. Whitlow** (PD-26) (CD-8)

West of the southwest corner East 110th Street South and Sheridan Road (Minor Amendment to reduce the front setback requirement for a garage from 25 feet to 20 feet on Lot 8, Block 1.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD 702-A for the purpose of reducing the front setback requirement for a garage, from 25-feet to 20-feet on Lot 8, Block 1 – The Broadmoor (originally platted as Augustus). Major amendment PUD-702-A changed the name of the PUD and Plat from “The Amended Plat of Augustus” to “The Broadmoor”.

Existing PUD development standards state that the house shall be set back no less than 20 feet, and the garage 25 feet, from the private street right-of-way (ROW).

With the exception of the requested amendment, the proposed structure meets all PUD building, height and setback requirements. The proposed plan also meets the minimum livability space/open space requirements.

Access to the site is provided from 110<sup>th</sup> Street South. Parking requirements have been met per the zoning code and PUD development standards.

PUD requirements include a minimum lot area of 13,500 square feet per lot. Approval of the PUD development standards and plat created two non-conforming lots with respect to minimum lot area. Per the approved plat, this lot (Lot 8) is 12,229 square feet (SF) and Lot 5, immediately to the north is 11,876 SF (see attached Exhibit A). Also, the placement of the lot as the first lot on a cul-de-sac gives the lot an unusual rectangular shape with no side being equal in lineal footage to any other with an abnormally curved front property line.

With a rear setback requirement of 25 feet from the property line combined with the unusual shape of the lot and front property line, and a lot area that does not meet the minimum lot area standard for this PUD, staff recommends

**APPROVAL** of minor amendment PUD-702-A-1 permitting a five-foot reduction of the front setback requirement for the garage only.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**


**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantrell, Harmon, Marshall, Midget, Sparks, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Cantees, McArtor, Perry "absent") to **APPROVE** the minor amendment PUD-702-A-1 per staff recommendation permitting a five-foot reduction of the front setback requirement for the garage only.

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There being no further business, the Chair declared the meeting adjourned at 8:55 p.m.

Date Approved:

3/26/08  


Chairman

ATTEST:



Secretary

